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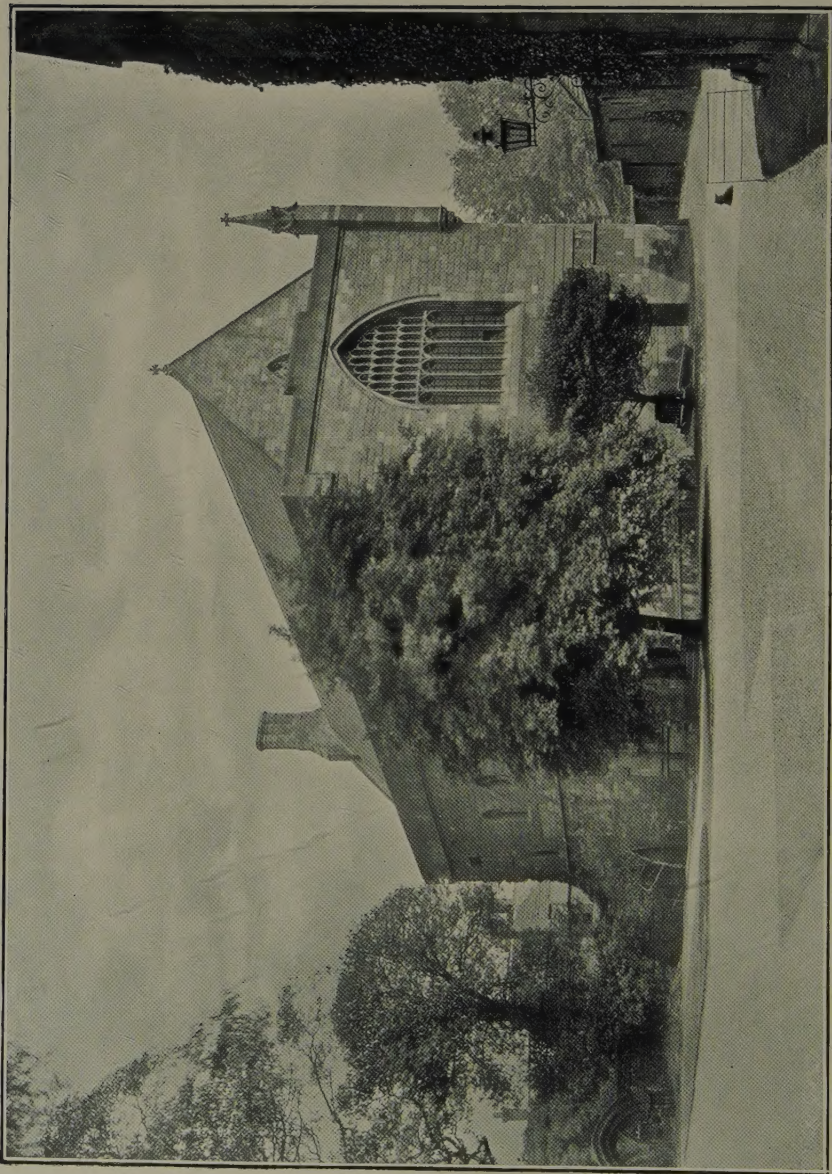


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THE STATUTES
OF
THE CATHEDRAL CHURCH
OF
CARLISLE



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FRONTISPIECE.

THE STATUTES
OF
THE CATHEDRAL CHURCH
OF
CARLISLE

TRANSLATED, WITH INTRODUCTION AND NOTES

BY

J. E. PRESCOTT, D.D.

CANON OF THE CATHEDRAL, ARCHDEACON OF CARLISLE AND
CHANCELLOR OF THE DIOCESE, FORMERLY FELLOW
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SECOND EDITION, ENLARGED.



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TO
MY BRETHREN OF THE CHAPTER,
DEANS AND CANONS, PAST AND PRESENT,
IN REMEMBRANCE OF MANY YEARS
OF KINDNESS AND GOODWILL

CONTENTS

	PAGE
Preface	ix
Introduction	I
List of Statutes	19
The Statutes	21
Appendix I—The Charter of Foundation	93
Appendix II—The Act, 6 Anne, cap. 21	101
Appendix III—Classification of Cathedrals	103
Appendix IV—Inventories of 1571 and 1674	106
Appendix V—Contents of the Great and Small Chests	110
Appendix VI—The Prayers of Statute 40 in full	112
Appendix VII—Livings in the Patronage of the Dean and Chapter	117
Index to the Statutes	119
Index to the Notes and Introduction	123

PREFACE

THE first edition of this Translation has been long out of print. Since it appeared there have been attempts to alter Cathedral Statutes by authority of Parliament. There is no immediate prospect of such attempts being successful. A good deal of fresh matter has been acquired, which may be of some value to those interested. The present edition is therefore published. I cannot expect the book to have many readers; but at all events the information given may perhaps in the future save Members of the Chapter some of the trouble which the Notes have cost me. A few corrections occur in the translation of the Statutes, and there are considerable additions to the Notes and Appendices. It is hoped that the full Indices given may serve to make the book more useful.

This Translation has been made from the manuscript Latin copy of the Statutes kept in the "Chest" in accordance with Statute **34**. This manuscript copy is not the original copy of the Statutes delivered by the Commissioners of King Henry VIII; but there is internal evidence

to shew that it has been the authoritative copy since very soon after the Restoration in 1660. It therefore contains the body of Statutes sanctioned by the Act, 6 Anne, cap. 21.

My friends Dr Henderson, Dean of Carlisle, and Dr Ware, Bishop of Barrow-in-Furness, have made some valuable suggestions to me for which I heartily thank them.

CARLISLE,
August, 1903.

INTRODUCTION.

THE Statutes of Carlisle Cathedral have certain points of peculiar interest.

They were, probably, the last of the Statutes delivered by the Commissioners of Henry VIII to the Cathedrals which he had founded, and were granted only a short time before the death of the King.

They are among the very few New Foundation Statutes which have never been specially amended, nor supplanted by some new body of Statutes.

They have given rise to some important and well-known lawsuits.

And they were the primary cause of the passing of the famous Act in the reign of Queen Anne, by which the validity of the Statutes of the Cathedrals of the New Foundation was established¹.

When Henry VIII determined to increase the number of Cathedral Churches there were already twenty-one in England and Wales. Of these, thirteen were the Cathedrals of the Old Foundation, nine in England and four in Wales, having Secular Canons; the remaining eight were Conventual Cathedrals, having monks or Regular Canons. When the monasteries were suppressed, these Conventual Cathedrals were changed into Chapters of a Dean and Canons, corporate bodies under a Royal Charter and to be governed by Royal Statutes. The

¹ 6 Anne, cap. 21; see in full Appendix II.

King also founded five new Bishoprics, and with each a Chapter of a Dean and Canons. Thus were formed the thirteen Cathedral Churches of the New Foundation.

The Statutes of the Cathedrals of the Old Foundation varied considerably. Changes have been made in many of them from time to time, partly by Royal Ordinances, partly by Statutes agreed upon by Bishops and their Chapters¹. The Conventual Cathedrals had lived under their own monastic rules. The Statutes of the Cathedrals of the New Foundation were given by Henry VIII, and were very similar to one another. In some of these bodies of Statutes changes have been made by Royal authority or by Act of Parliament².

Carlisle was a Conventual Cathedral. A Priory or House of Regular Canons of the Order of St Augustine³ was founded and endowed by Henry I about the year 1122, and was dedicated to the Blessed Virgin Mary⁴.

¹ See *First Report of the Cathedral Commissioners*, 1852, p. ix.

² See more on the New Foundation Cathedral Churches in Appendix III.

³ Of the eight Conventual Cathedrals existing before the time of Henry VIII, Carlisle alone had Regular Canons; the others were Monasteries of the Benedictine Order. The thirteen Cathedrals of the Old Foundation were held by Secular Canons. Regular Canons, like monks, lived under the Rule (*regula*) of some Order. Secular Canons moved about in the world, belonged to the age (*sæculum*), did not live under a common roof, and were similar to the Canons of later times. The Regular Canons of St Augustine (Bishop of Hippo) were from their dress called Black Canons; they had a common dormitory, with cubicles or cells, and a common refectory. They were not introduced into England before 1105, nor into the north before the time of Archbishop Thurstin (1114—40). On their Rule and Customs see Dugdale, *Monasticon*, vol. vi. p. 39, also J. W. Clark, *Observances at the Augustinian Priory of Barnwell*, p. 2 sq.

⁴ It is possible that a monastery of some kind may have been begun here earlier in the 12th century, but the evidence is very vague. That Henry I, as asserted, placed Augustinian Canons here

A few years later, in 1133, he founded the See of Carlisle, and made Athelwold, the Prior, the first Bishop, and Carlisle became a Cathedral Church.

This Priory of Regular Canons received many endowments and continued until the dissolution of the monastic institutions in the reign of King Henry VIII. The Act for the suppression of the greater Monasteries was passed in May, 1539. The Priory was surrendered to the Crown on January 9, 1540¹.

Out of the dissolved Priory, and on the site thereof, by Charter, bearing date May 8th, 1541², the King founded the Cathedral Church of the Holy and Undivided Trinity of Carlisle, and created a Dean and four Prebendaries or Canons, one body corporate under the name of the Dean and Chapter of the said Cathedral Church. By another Charter, bearing date May 6th of the same year, he endowed the Dean and Chapter with most of the revenues of the dissolved Priory, as well as with all the revenues of the dissolved Priory or Cell of Wetherhal³, in 1102 is quite out of the question. He had probably little or nothing to do with this district until Ranulf Meschin became Earl of Chester in 1120. See *The Register of Wetherhal*, ed. J. E. Prescott, p. 478 sq.

¹ 31 Henry VIII, cap. 13. The Act also covered the many suppressions and surrenders which had already taken place. It is transcribed in full in Gee and Hardy, *Documents illustrative of English Church History*, p. 281. On the surrender, see *Close Rolls*, 31 Henry VIII, pt. 4, no. 17, *Letters and Papers*, p. 18; Rymer, *Fœdera*, vol. xiv. p. 668.

² A translation of the Foundation Charter is given in Appendix I.; see also the note on Statute 34.

³ Priories were of two kinds. Some, like the Priory of Carlisle, were independent of any Abbey, the Prior being elected by the body or appointed by the Crown. Others, like the Priory of Wetherhal, were termed Cells, and were subordinate to some larger monastic House, the Prior being appointed by that House. At Carlisle, the Bishop was in the nominal place of the Abbot, and had the principal stall on the south side of the choir, the Abbot's stall, which, as at Ely,

which had been heretofore attached to St Mary's Abbey at York.

We now come to the time of the delivery of the Statutes.

In the Act¹ which was passed in 1539, empowering Henry VIII to found more Bishoprics and Cathedral Churches out of the dissolved religious houses, power was also given to the King to make and devise ordinances, rules, and statutes concerning them. It was then further enacted, that "all such....foundations, ordinances, statutes, rules, and all other things which shall be devised and expressed by his sundry and several letters patent, or other writings under his great seal, touching the premises,shall be of as good effect to all intents and purposes, as if done....by authority of parliament."

The Charter of Foundation *was* granted under the Great Seal²; and it is there declared as follows:—"Also, he retains to this day. This may have arisen from Prior Athelwold having been made the first Bishop; but more probably it was in accordance with the practice of most of the early Cathedrals. "Where the Church was served by regulars, the Bishop was held to be their Abbot, and in the secular Churches it would seem that, in some cases at least, the Canons had no regular head except the Bishop himself."—Professor Freeman, *Cathedral Essays*, p. 141³: "In Conventual Cathedrals the Bishop took the place of Abbot."—*Report of Cath. Commission*, 1852, p. viii. The Priory of Wetherhal was a Cell of the Benedictine Abbey of St Mary at York. It was surrendered on October 20th, 1538. The House and demesne, the lands and all the churches belonging to it, except those of Wetherhal and Warwick, were granted to Carlisle by their Endowment Charter. The excepted churches were granted, on the petition of the Dean and Chapter by Letters Patent, dated January 15th, 1547. For full information and the documents, see *The Register of Wetherhal*, p. xxxvii. and the reffs. there.

¹ 31 Henry VIII, cap. 9. See part of this Act more fully given in Phillimore, *Ecclesiastical Law*, ed. 2, p. 144.

² See Appendix I.

we will, and ordain, and concede to the same Dean and Prebendaries, by these presents, that the aforesaid Dean and four Prebendaries be for the future of themselves, in fact and in name, one corporate body, and have a perpetual succession, and shall conduct, exhibit, and occupy, themselves by and in accordance with the ordinances, rules, and statutes hereafter to be framed, specified, and declared for them by us in a certain indenture¹."

The King did deliver to the Dean and Chapter a body of Statutes by the hands of his Commissioners ; and these were signed by them².

Statutes very similar in character were likewise given to the other Cathedrals of the New Foundation. But none were under the Great Seal, nor were they given by any indenture.

In the reign of Queen Mary, an Act was passed³ wherein it is recited, that the Statutes, given by Henry VIII to the several Cathedrals which he had founded, were not indented, according to the form of the foundation of the said corporations ; by reason whereof, it is declared, these corporations have no Statutes of any force or authority ; and such Statutes cannot now be made and provided without authority of Parliament. Power is then given to the Queen, "during her natural life" to make Statutes and Ordinances in writing sealed with the Great Seal.

¹ *Indenture.* To *indent*, a law term, to cut into notches like *teeth*. In making duplicate copies of a legal deed, it was formerly the practice to write both parts on one sheet leaving a blank strip between ; this was then cut in notches, or *indented*, so that when put together one part would tally exactly with its counterpart. The deed so notched, or toothed, was called an *indenture*. Hence *indenture* became the general term for a legal deed, and later for a bargain, agreement, or covenant.

² See the end of the Statutes.

³ 1 Mary, Sess. 3, cap. 9. See Phillimore, *Eccles. Law*, ed. 2, p. 146, where much additional matter will be found.

This power was only exercised in the case of the Cathedral of Durham, and with the Queen this power died.

Moreover, another Act was passed in her reign¹, which repealed the Act of Henry VIII referred to above, only making a proviso that the Foundations themselves should nevertheless continue.

Hence, at the death of Queen Mary, the Statutes of the Cathedrals of the New Foundation, with the exception of Durham, had no validity whatever; nor was there any power to make new Statutes.

The necessary powers were given to Queen Elizabeth, soon after her accession, during her natural life. In her reign, though some efforts were made, and not a few controversies appear to have arisen, practically and legally nothing was done in pursuance of the powers granted to her².

Things remained in this state during the reign of James I.

Charles I and Charles II took upon themselves to give Statutes to certain Cathedrals without the authority of Parliament³, ignoring the fact that such authority had been deemed necessary in preceding reigns. Hence the contention, that neither had the Caroline Statutes any validity nor force.

Such was the unsatisfactory condition of New Foundation Statutes when Dr Atterbury came to Carlisle, to be the Dean, in October, 1704. At this time Bishop William

¹ 1 & 2 Philip & Mary, cap. 8, § 18.

² For Statutes which were given, or amended, or confirmed, as in the case of Peterborough, were invalid because they were not under the Great Seal and indented.

³ Charles I gave Statutes to Canterbury, Norwich and Winchester; Charles II, to Ely and Worcester.

Nicolson, formerly a Canon of the Cathedral, and a man of considerable literary eminence, held the See of Carlisle. As not unfrequently happens, private feelings had no small influence on public affairs. Not long before, Dr Atterbury had severely criticised one of Bishop Nicolson's works, his *English Historical Library*, and had called forth a strong reply. When Dr Atterbury presented himself to be instituted, the Bishop raised some trivial technical objections, and delayed the institution until the Queen had further intimated her wishes on the subject.

At the same time Dr Hugh Todd, also a literary man, was a Canon of the Cathedral. He too had been engaged in a bitter controversy with Bishop Nicolson in regard to certain manuscripts.

The Chapter Minutes shew the marks of Dean Atterbury's arbitrary and imperious temper very soon after his installation. He obtained a dispensation from the Queen exempting him from residence¹, and rarely came down to Carlisle. Dr Todd was only too ready to act jackal to the lion.

Two of the Minor Canons, having "misbehaved themselves in the Vestry by kicking, boxing, and by words abusing" one another, were suspended, and made to apologise, in November, 1704, and in the following April were restored to their office by the Vice-Dean and Chapter. The Dean and Dr Todd, who had both been absent at the time, protested against this act, mainly as being an infringement of the Dean's rights; the former—"particularly on ye account of the right, conferred on me, as Dean, by the Foundation Charter of our Church (lately retrieved

¹ The Dispensation is signed by the famous Robert Harley, then Secretary of State, afterwards Earl of Oxford, see *Chapter Minutes*, vol. x. p. 22.

and registered) to take cognisance of, and punish, all such offences and disorders¹."

This is the first statement of the strong point in Dr Atterbury's future arguments, viz., the power of the Charter as compared with the Statutes, which, he affirmed, had not the authority of the Crown and of Parliament.

Soon afterwards it was moved in Chapter to nominate Mr Whittingdale to the living of Castle Sowerby. The Dean, who was present, formally objected to the nominee. At a subsequent Chapter, in November, 1705, Mr Whittingdale was nominated and presented by the Vice-Dean and Chapter, relying on the power given to them in the Statutes (Statute 7). Dr Todd exhibited the Dean's proxy objecting to the appointment; and he himself entered a formal protest.

But the Dean ignored other acts of the Vice-Dean and Chapter. He withheld his key of the Chapter Seal², when it was required in such cases as the renewal of leases or the presentation to livings, unless he had previously given his formal consent, by himself or by his proxy. The state of affairs was becoming intolerable. The Vice-Dean and the two other Canons appealed to the Bishop as Visitor. They called upon him to maintain the rights given to them as a corporate body under the Statutes. They instanced the case of Castle Sowerby, and protested against the illegality of the Dean's proxy³.

¹ *Chapter Minutes*, vol. x. pp. 14, 49. For the clause of the Charter on which the Dean relied, see the note in Appendix I. Not finding the Foundation Charter in the Chapter Chest, he obtained an attested copy from the Rolls Chapel, and had a copy registered in the Minute Books (vol. x. p. 23). See the note on Statute 34.

² The reply of the Chapter to the Bishop's mandate on his Visitation had to be sealed with the seal of the Vicar-General "to avoid contempt."

³ *Chapter Minutes*, vol. x. p. 59 sq. where mention will be found

Bishop Nicolson was aware that he had no easy task before him. He therefore wrote a letter in June, 1706, to the Dean and Chapter, urging them to come to some arrangement. His own opinion was, evidently, against the course taken by the Dean. The Statutes, he contended, had, at all events, the force of long usage. If it were proved to him that it was expedient to have them reviewed and amended, he would gladly join the Dean and Chapter in an address to her Majesty. Till that were done, he was assured, he should never want her Majesty's protection in the support of these laws.

The replies of the several parties must soon have convinced the Bishop that no compromise was to be expected. The letters of Dean Atterbury and of Dr Todd are marked by much ability and learning. The Dean denies the sufficient authority of the Statutes, and falls back upon the Foundation Charter as supporting his due rights. He addresses the Chapter also, in these terms—"your pretending to name a Butler, in direct opposition to the powers granted me by the Foundation Charter, is indeed a notable step."

At length Bishop Nicolson determined to visit the Cathedral, and issued his monition in August, 1707.

The Dean at once questioned the right of the Bishop to visit under the authority of "(pretended) Local Statutes." He refused his consent to any answer being given to the Bishop's Articles of Enquiry, because, in the opinion of very able lawyers, it would be highly derogatory to her Majesty's authority¹, and might involve them in very dangerous

of several of the subsequent events; see also Burn, *Eccles. Law*, ed. 1775, vol. ii. p. 94.

¹ He contended that the Bishop visited under the Local Statutes which had no force, whereas the Queen was the only legal Visitor of

consequences. Dr Todd also objected, and exhibited the Dean's proxy and his protest, which was couched in the strongest terms.

The Visitation, however, was held in September. The Bishop's Injunctions were issued, ordering the Statutes to be observed, and upholding the authority of the Vice-Dean and Chapter. The proceedings were soon afterwards carried into the Crown Courts. Dr Todd was suspended and excommunicated by the Bishop. But the Court of Common Pleas granted him a prohibition, and relieved him from whatever penalties might have ensued¹.

Meanwhile, this controversy had caused considerable excitement. The authority of the Statutes of all the Cathedrals of the New Foundation was impugned. Moreover, the original Statutes of some of them had been lost

this Royal Foundation. He was "determined not to suffer anything to be done injurious to the prerogative and supremacy of the Crown."

¹ These statements will be found in Burn, *Eccles. Law, l.c.* or in *Letters to and from Bishop Nicolson*, ed. J. Nichols, vol. ii. p. 341 sq. where the "Case" of the Bishop as Local Visitor of his Chapter is given. Dr Todd's "Case" will be found bound up with other papers and some MS. copies of Statutes in a volume which formerly belonged to Chancellor Waugh, afterwards Dean of Worcester, and which is now in the Dean and Chapter Library. Dr Todd affirms that at the Visitation in the Chapter House, "the Bishop fell into great excesses of passion and used many opprobrious words to the Doctor, particularly these that follow: 'Hold thy peace or I'll lay thee by the heels. Thou art a Cockscomb. I tell thee thou art a Cockscomb. Hold thy peace, or I will have thee turned out by the shoulders.' Which language was the more surprising, because the Doctor did, through the whole course of the proceeding, behave himself toward the Bishop with the utmost deference and meekness." Some estimate of the Doctor's "meekness" may be formed from his own statement that in the Court, when sentence of excommunication was about to be pronounced against him, "he beseeched his Lordship that he would not allow his passions to sit with him in judgment; but that the meek spirit of the Gospel might rule his heart and actions."

or destroyed. In February, 170⁷/₈, the Archbishop of Canterbury wrote a letter to the Bishops of his Province beginning :—"I doubt not but all my suffragans are apprised of what is doing in the case of the Bishop of Carlisle. Though he is not of our Province, I take it to be a common cause, and of great concern to this Church." He then expressed his readiness to concur in any proper and legal means, whether by Bill or otherwise, to make the "Church safe in this point." The result was, that a Bill was brought in, and the Act was passed entitled, "An Act for the avoiding of doubts and questions touching the Statutes of divers Cathedral and Collegiate Churches¹."

This Act established the validity of the Local Statutes. It enacted, "That in all Cathedrals and Collegiate Churches, founded by the said King Henry the Eighth, such Statutes as have been usually received and practised in the government of the same respectively, since the late happy Restoration of King Charles the Second, and to the observance whereof the Deans and Prebendaries, and other members of the said Churches, from the said time have used to be sworn at their installments or admissions, shall be, and shall be taken and adjudged to be, good and valid in law, and shall be, and be taken and adjudged to be, the Statutes of the said Churches respectively."

In the case of Carlisle, at all events, there is no difficulty in determining what Statutes were "usually received and practised" between the Restoration in 1660 and the reign of Queen Anne. Internal evidence in the manuscript copy

¹ 6 Anne, cap. 21; see Appendix II., where the Act is given in full. For the Archbishop's letter, see p. 365 of the *Letters* referred to in the preceding note. The account of Dean Atterbury's proceedings has been made somewhat full, as the real origin of the controversy does not seem to be anywhere correctly detailed.

of the Statutes from which the following translation is made and frequent references in the Chapter Books confirm their identity¹.

Still, points of serious difficulty have arisen, at Carlisle and elsewhere. For instance, the Charter and the Statutes might be at variance. Such a case occurred at Gloucester, as early as 1720. Here the Law Officers of the Crown advised that the Statutes, having received confirmation by the Act of Parliament, did alter and override the Charter².

Naturally, also, questions would arise with regard to the meaning of particular Statutes. One well-known case commenced in Carlisle. Dean Bolton, in 1752, relying on the 5th Statute, refused to consent³ to the appointment of Mr Henry Richardson to the living of St Cuthbert's, Carlisle, although unanimously chosen, and presented under the Chapter Seal, by the Vice-Dean and Chapter. The Dean entered a *caveat* against his admission, and the case was carried into the Law Courts. After elaborate arguments a *mandamus* was granted compelling the Bishop, who had refused to do so, to admit and license Mr Richardson. This case, though not decided properly on

¹ This, the authoritative copy of the Statutes, was signed on November 25th, 1669, as a true copy duly examined, by Guy Carleton, Dean, and Arthur Savage, Jeremy Nelson, William Sill, Canons, and has been signed by many successive Deans.

² See the opinions given in Phillimore, *Eccles. Law*, ed. 2, p. 151 *sq.* From other cases there given it will be observed, that where Deans have claimed on the strength of the Charter to nominate the officers of the Cathedral, it has been decided that the power lay with the Dean and Chapter, or, in his absence, with the Vice-Dean and Chapter.

³ The reason alleged by the Dean for his refusal was, that Mr Richardson had been represented to him as having acted a very wrong part when the Rebels were in Penrith, being Curate there in 1745.

the strength of the Statutes, was not carried further. In other cases, also, Deans have endeavoured to exercise a negative power, but under legal advice have in the end acquiesced¹.

Again, uncertainty and difficulty must ensue in consequence of Statutes becoming obsolete. It may, practically, be of little importance that reference is made to services according to the Use of Sarum, and not as prescribed by the Act of Uniformity, or that Masses are enjoined for the soul of King Henry VIII. Later legislation and the course of time have rendered these ineffective. But frequent complications arise from the very different requirements, at the present day, of the Church both in the Diocese and in the neighbourhood, from the changed value of the statutable stipends, from the altered position of many members of the Foundation. The Royal Founder looked forward to a time when a change in these Statutes might be required. "We reserve, nevertheless, to ourselves and to our successors full power and authority to change these Statutes, to alter and to dispense with them, and, if it shall seem good, even to frame new ones" (Statute 39).

¹ See the note on Statute 5, p. 28. There is given in the *Chapter Minute Books* (vol. xi. pp. 28—31) "A Brief Narrative of the Rise, Progress, and Event of the Dispute," which is very interesting. The Carlisle and other cases are cited by Burn (*Eccles. Law*, s.v. Deans and Chapters, see also Phillimore, *Eccles. Law*, ed. 2, p. 157 sq.) who sums up as follows: "therefore it seemeth, as a presentation to a living is in the nature of a gift or grant, that in the gift of it by a corporate aggregate body, the major number must bind the lesser by this Act; otherwise, differences in the body could never be determined, nor could any corporate acts be done but what were approved by the Dean..... consequently it seemeth that the presentation of a clerk by a majority of the Dean and Chapter taken collectively will bind the minority, and that the Dean cannot set up any negative or necessary voice to let or hinder the act of presentation by the major part from having its full effect."

But this power, reserved to the Crown, has not been of any value without the advice and consent of Parliament. In fact, it was Parliament which gave King Henry VIII the authority to make these Statutes, and which rendered it lawful for Queen Anne to alter them or to make new ones "during her life¹." Hence, at the present time, an Act of Parliament will be required to make any change in the Statutes of the Cathedrals of the New Foundation.

The Cathedral Commission appointed in 1880 was authorized to enquire whether any further legislation was expedient, and especially whether further powers should be granted for revising the Statutes from time to time, and if so, by what authority and in what manner such powers should be exercised.

A separate Report was to be presented in the case of each Cathedral Church. In the consideration and making of such Report, the Dean and a Canon elected as the representative of the Chapter were to have the same powers as if they had been named Commissioners. The Commissioners presented three general Reports, and with each separate Report a proposed body of Statutes for the particular Cathedral Church. They recommended a Scheme by which legal validity might be given to these bodies of Statutes, and a power might exist of revising them as occasion should demand.¹ They also recommended the appointment of a Cathedral Committee of the Privy Council to have the power of approving Cathedral Statutes, and of sanctioning amendments when required. Draft Statutes and alterations of existing Statutes might be submitted to the Cathedral Committee by the Ecclesi-

¹ See above p. 4, and the Act 6 Anne, cap. 21, § 3, given in Appendix II.

astical Commissioners or by the Dean and Chapter. On receiving the approval of the said Committee and of the Privy Council and being laid before both Houses of Parliament for twelve weeks, without objection being brought, they were to have the force of law.

Bills embodying these recommendations have been from time to time brought forward in Parliament, but they have never passed. In fact, no great interest has been taken in these Bills. Strong objections were raised to some of the changes proposed in the Draft Statutes prepared by the Commissioners. The placing of these Church affairs in the hands of a Committee of Privy Council did not meet with universal approval. Other points of Church reform have been felt to be more pressing. Also important changes have been made in Cathedral concerns by the Deans and Chapters themselves, and by the holders of Cathedral patronage.

No doubt other changes are required, and some of them cannot be brought about without Parliamentary sanction. Among these changes may be mentioned the longer compulsory residence of Canons, the restriction of the holding of benefices by the Dean or the Canons, and the regulations as to the exercise of patronage by the Dean and Chapter, now under the doubtful section of the Ecclesiastical Commissioners Act of 1840¹.

The duties of the Dean and the Canons, as well as of the other members of the Cathedral Church, have been imposed by Statute under the belief that the annual income now assigned by the Ecclesiastical Commissioners to each Capitular body would be constant in amount. But for years in many Cathedrals this amount has not been realized. The Dean and Chapter have been called upon

¹ 3 & 4 Vict. cap. 113, § 44.

to provide for what is practically a fixed expenditure under their Statutes in the face of a large decrease in the value of tithe rent-charge and a serious depression in the rents of landed property. The Ecclesiastical Commissioners were empowered¹ by certain Acts to take over, on the application of the Dean and Chapter, the whole or any specified portion of the property of the Dean and Chapter in return for an annual money payment to be agreed upon. Then the Ecclesiastical Commissioners were to return to the Dean and Chapter their estates at rack-rent, or other lands or property equal in value to an amount which the Commissioners should think fair and reasonable. Any surplus which the Commissioners might realize from the transaction was to go to their Common Fund for making better provision for the cure of souls.

In the case of Carlisle Cathedral, the Order in Council dealing with the property was published in the *London Gazette*, on December 17th, 1852. A certain annual payment was assigned to the Dean and Chapter and £15,000, or thereabout, for the restoration of the Cathedral. There was left to them the ecclesiastical patronage together with the precincts, except certain houses abutting on the Cathedral, also a house in Abbey Street, and certain tithe rent-charges which were to form the Fabric Fund. The transfer of property, calculated to produce a certain annual sum, from the Commissioners to the Dean and Chapter took place under an Order in Council published in the *London Gazette* on June 30th, 1865. This property consisted almost entirely of lands and tithe rent-charge, though to the latter item strong objections were raised at the time. Since that date the value of both classes of property has been very seriously depreciated. And yet the Dean and Chapter are bound to

¹ See Phillimore, *Eccles. Law*, ed. 2, p. 1669.

a practically fixed expenditure under their Statutes and the Order in Council. It is evident that some relaxation of the Statutes or some additional income must be conceded, if the Cathedral is to fill the position which was intended.

In each case where powers have been granted by Parliament to the Sovereign for revising the Statutes they have only been granted for his or her natural life. Any scheme would be dangerous which allowed these powers to be too easily exercised. It might be difficult to stem the tide of change when once it had set in. Frequent alterations would prove more injurious than a few obsolete laws.

That some legislation is expedient can scarcely be doubted. It would be quite beyond the limits of this Introduction to discuss more precisely what changes are called for, either in the Carlisle Statutes, or in those of other Cathedrals. As regards the internal relations of each Dean and Chapter, it is to be hoped that any new set of Statutes will enter as little into details as possible. When certain broad principles are laid down, a corporate body is best governed by its own by-laws. Refined legislation in such a case could only lead to dispute and litigation.

LIST OF THE STATUTES.

1. Preamble.
2. Of the entire Number of those who are maintained in the Cathedral Church of the Holy Trinity of Carlisle.
3. Of the Qualifications, Election and Admission of the Dean.
4. The Oath of the Dean.
5. Of the Office of the Dean.
6. Of the Visitation of the Lands.
7. Of the Letting of Lands and Tenements on Lease.
8. Of the Delivering over of the Goods to the Dean.
9. Of the Residence of the Dean.
10. Of the Obedience to be Rendered to the Dean.
11. Of the Qualifications, Election, and Admission of the Canons.
12. Of the Oath of the Canons.
13. Of the Residence of the Canons.
14. Of Sermons to be preached in the Church.
15. Of the Table of the Canons.
16. Of the Stipend of the Dean and of the Canons.
17. Of the Election of Office-Bearers.
18. Of the Office of the Vice-Dean.
19. Of the Office of the Receiver.
20. Of the Office of the Treasurer.
21. Of the Qualification, Election and Admission of the Minor Canons and Clerks.

22. The Oath of the Ministers.
23. Of the Residence of the Ministers.
24. Of the Precentor and his Office.
25. Of the Sacrist, Sub-Sacrists, and Virger.
26. Of the Choristers and their Master.
27. Of the Teacher of the Boys in Grammar.
28. Of the Poor Men and their Office.
29. Of the Inferior Ministers of the Church.
30. Of the Common Table of all the Ministers.
31. Of the Garments of the Ministers which they call Liveries.
32. Of the Stipend of the Ministers.
33. Of the Celebration of the Divine Services.
34. Of the Common Treasury, of the Custody of the Seal and Muniments.
35. Of the Account or Reckoning to be yearly rendered.
36. Of Correcting Excesses.
37. Of the Alms.
38. Of Holding Chapters.
39. Of the Visitation of the Church.
40. Of Prayers to be said in the Church.

THE STATUTES OF THE CATHEDRAL CHURCH OF THE HOLY AND UN- DIVIDED TRINITY OF CARLISLE.

HENRY the Eighth, by the grace of God, of England, France and Ireland, King, Defender of the Faith and upon earth of the Church of England and Ireland, Supreme Head, to all sons of Holy Mother Church to whose knowledge this present writing shall come,

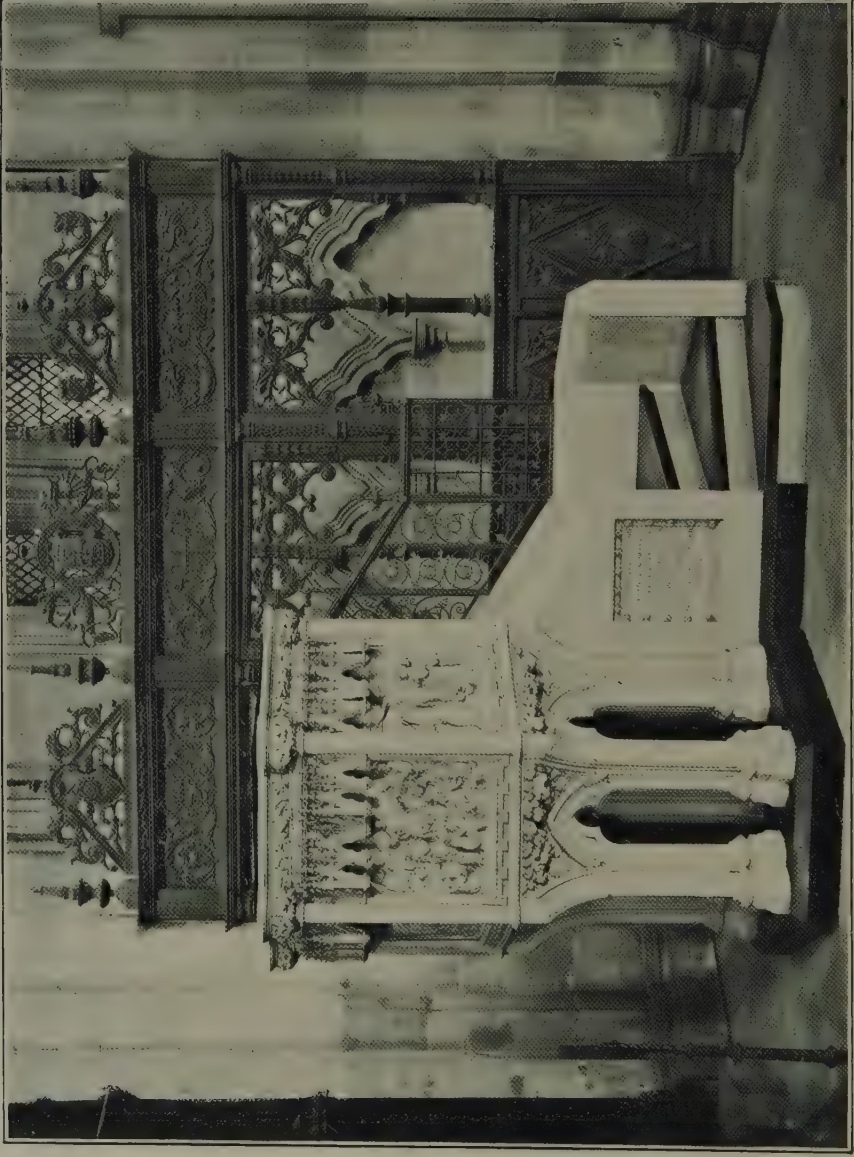
GREETING :—

1. Whereas, it hath seemed good to us, and to the nobles of our Realm, and to the whole Senate, called the Parliament (God, as we trust, hereunto moving us) to suppress, abolish, and convert to better uses the Monasteries which existed everywhere in our Realm, on account of their grave and manifold enormities as well as for other just and reasonable causes¹: We, judging it to be both more in

¹ The first Act (27 Henry VIII, cap. 28) for the Suppression of Monasteries was passed in 1536; the second Act (31 Henry VIII, cap. 13), which was really to confirm all surrenders of religious houses that had been or should be made, was passed in 1539; the Acts are given in full in Gee and Hardy, *Documents illustrative of English Church History*, pp. 257, 281. The Act (31 Henry VIII, cap. 9) which empowered the King to found the Cathedrals was also passed in 1539. The Priory was surrendered January 9th, 1540. The Cathedral Church of Carlisle was re-founded by Charter May 8th, 1541, and these Statutes were delivered June 6th, 1545.

conformity with the Divine will and more to the advantage of Christianity, that, where ignorance and superstition used to reign, there the pure worship of God should flourish and the Holy Gospel of Christ should be diligently and piously preached; and moreover, that, for the increase of Christian piety, the youth of our realm should be instructed in sound learning, and poor persons for ever maintained¹, in the place of those Monasteries, have erected and established Churches, of which we will some to be called Cathedral Churches, others Collegiate Churches. For the government and rule of which Churches, we have taken care that the following Laws and Statutes be prescribed, which the Deans, and the Canons of each order, as well as all the other Ministers, the Boys, and the Poor Men, who shall dwell together in the said Churches, shall obey and observe and be ruled and governed by the same, as being made and set forth by us. The which, if they shall do, we trust a vast increase of sound piety will result in this our Realm, and we (who, for the glory of Almighty God and for the increase of the Christian Faith, have erected those Churches, and do furnish them with divers orders of Ministers) shall not in anywise be disappointed in our expectation and prayer.

¹ The objects in view are expressed more fully at the beginning of the Charter of Foundation also in the Act (31 Henry VIII, cap. 9) which gave the King the necessary power to found, as follows:—"whereby God's Word might be the better set forth, children brought up in learning, clerks nourished in the Universities, old servants decayed to have livings, alms-houses of poor folk to be sustained in, readers of Greek, Hebrew, and Latin, to have good stipend, daily alms to be ministered, mending of highways, exhibition for ministers of the Church."



Bevan & Sons, Carlisle.

THE SCREEN, (WITH INITIALS "L.S.") CARLISLE CATHEDRAL.

Of the entire Number of those who are maintained in the Cathedral Church of the Holy Trinity of Carlisle.

2. In the first place, we appoint and ordain, that there be for ever, in the said Church, one Dean, four Canons¹, eight Minor Canons, one Deacon, and one Sub-Deacon, four Lay Clerks, one Master of the Choristers, six Choristers, one Teacher of Boys to be instructed in grammar, six Poor Men to be maintained at the charges of the said Church,

¹ Dean, *Decanus*, from the Latin *decem*, a chief of "ten," first over ten soldiers, later over ten monks or Canons. The office was founded in early times in the Cathedrals of the Old Foundation, at St Paul's and York in the 11th century. In the Cathedrals of the New Foundation, the Dean took the place of the Prior or Abbot. A Canon, *Canonicus*, from the Latin *canon*, "a rule," and later "a list" or "register," one who is inscribed on the list or register of the Church. In addition to the Canons and Minor Canons there are now in Cathedrals of the New Foundation 24 Honorary Canons. They were founded in 1840 under the Act 3 & 4 Vict. cap. 113, § 23. They were to be appointed by the Bishop as "distinctions of honour," to be "styled Honorary Canons," to be entitled to stalls and to take rank next after the Canons, provided that no emolument whatever nor place in the Chapter was taken or held by them. The first Dean was Lancelot Salkeld, the Prior of the dissolved Priory; he was ejected when Edward VI came to the throne, but was restored by Queen Mary; he was again ejected by Queen Elizabeth, in 1559, and died in 1560; his initials and those of his office are on the wood-work screen at the back of the Cathedral pulpit. William Florens and Richard Brandeling, Canons of the Priory, were originally appointed in the Charter of Foundation to be the 1st and 4th Canons respectively; Edward Loshe and Barnabas Kirkbride to be the 2nd and 3rd respectively. In a letter written by Archbishop Grindal to Sir William Cecil on Dec. 27th, 1563, he says, "The Bishop of Carlisle (John Best, 1560—70) hath often complained to me for want of preachers for his Diocese, having no help at all of his Cathedral Church. Sir Thomas Smith is his Dean, occupied in the Queen's Majesty's affairs, as ye know. All his prebendaries.....are ignorant priests or old unlearned monks" (*Lansdowne MSS.* No. 6, fol. 86). Brandeling and Kirkbride were still alive at this time.

one Virger, two Subsacrists, one Porter, who shall also be the Barber, one Butler, who shall also be the Caterer, one Cook, one Sub-Cook, all of whom shall diligently serve in the said Church, in the number prescribed, each one in his order, according to our Statutes and Ordinances.

*Of the Qualifications, Election, and Admission of
the Dean.*

3. We appoint and ordain, that the Dean shall be a Priest¹, of irreproachable life and reputation, a man learned and erudite, and distinguished also by some title of learning, that is, Doctor in Divinity, or Bachelor in Divinity, or Doctor of Law. Also, whenever it shall happen that the office of Dean shall hereafter become vacant by death, resignation, deprivation, or cession, or in any other manner, we will, that such person shall be held and be accepted as Dean, and in all respects discharge the office of Dean, whom we, or our Successors, think fit to be nominated, elected, and preferred, and, under Letters Patent², sealed with our

¹ A person to be a Dean must now not only be a Priest, but have been six years complete in Priest's Orders. The same rule applies, in general, to Canons and Archdeacons (3 & 4 Vict. cap. 113, § 27). The second Dean, appointed in 1547, was Sir Thomas Smith Knt., afterwards Queen Elizabeth's well-known Secretary of State; he had been ordained Priest in 1546. By special license from the Crown, certain Deans of Carlisle have not been Priests; thus, the third and fourth Deans, Sir John Wolley, Knt., D.C.L., and Sir Christopher Perkins, Knt., were laymen. This was not very uncommon at the time. Thomas, Lord Cromwell, himself had been made Dean of Wells in 1537.

² Letters Patent, or Letters Overt, are the writings of the King with the Great Seal attached. They are so called because they are open to view—*Litteræ Patentes*, open letters. Letters Close, *Litteræ Clausæ*, which are closed or sealed up, are generally addressed to individuals. Very many of the former are registered in the *Patent Rolls*, and of the latter in the *Close Rolls*, in the Record Office.

Great Seal or with that of our Successors, to be presented to the Bishop of Carlisle. Which said Dean, so nominated, elected, and presented, after institution by the Bishop, the Canons present shall receive and admit as permanent Dean of the Cathedral Church of the Holy Trinity of Carlisle. And at this his admission, the Dean himself, before he shall undertake any administration of the Church, or concern himself in any of the business of the Church, shall take an oath in this form, the Vice-Dean (if he be present), otherwise the Senior Canon according to admission, requiring an oath after this sort.

The Oath of the Dean.

4. "I, G. C.¹, who have been elected and instituted Dean of this Church, do call God to witness, and do swear by these Holy Gospels of God, that, to the best of my power, I will well and faithfully rule and govern in this Church, according to the Ordinances and Statutes of the same, and that I will well and faithfully keep, defend, and preserve all its goods, lands and tenements, rents, possessions, rights, liberties and privileges, and all other things, moveable as well as immoveable, and all other interests of the said Church, and will take care that the like be done by others. In addition, all and several the Statutes and Ordinances of King Henry the Eighth, our Founder, so far as they concern me, I will well and faithfully observe, and will procure to be diligently observed by others, so far as they concern them. So help me God and these Holy Gospels of God."

¹ G. C. stands for Guy Carleton, instituted Dean June 29th, 1660. It is thus written in the authoritative copy of the Statutes. In the Statutes of many Cathedrals there is simply N. for *Nomen*.



Also, we will, that the Dean himself, as well as the Canons and the rest of the Ministers of our Church, at their admission, do take the oath of Succession and Supremacy of the Royal Majesty, according to the form of the Statutes of this Realm set forth in this matter¹.

Of the Office of the Dean.

5. Whereas it behoves the Dean to be vigilant, even as the eye in the body, which carefully looks out for the other members of the body, we appoint and ordain, that the Dean for the time being shall with all anxiety preside over the rest, and shall admonish, rebuke, convince, beseech the Canons and all the Ministers of the Church, be instant in season and out of season, as if keeping watch over the rest of the flock committed to his charge. Also, let him take care, that the Divine Offices are celebrated with decency, that sermons are preached upon the prescribed days, that the boys are profitably instructed, that alms are distributed to the poor, that, generally, each one faithfully discharges the duties entrusted to him. Moreover, it is part of the duty of the Dean, when he is present, to maintain a respectable and suitable household, to break bread for the poor, in which matter we burden his conscience in the Lord, to set an example creditably and frugally in all things. Also, a Dean sordidly parsimonious the Bishop shall reprove, but the Canons similarly delinquent, the Dean shall reprove; who also shall correct and punish

¹ The Oath of Allegiance and Supremacy has been altered from time to time; it now takes the simple form of allegiance laid down in 31 & 32 Vict. cap. 72, §§ 2, 8:—"I — do swear that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, according to law.—So help me God." By the Clerical Subscription Act 28 & 29 Vict. cap. 122, § 5, the oath is to be taken before institution or collation, not "upon admission."

those who are bad and slothful as regards their duties according to the Statutes. Moreover, the treasure¹, jewels, ornaments of the Church, gold and silver vessels, all furniture, utensils², charters, muniments, court rolls and writings, and all other goods and things whatsoever belonging to the aforesaid Church, let him diligently and faithfully preserve and guard in the Treasury and other places specially provided for them; and let him cause them to be preserved and guarded by others, whom it concerns so to do, in order that he may leave all those things entire to his successor. Also, we appoint and will, that in all weightier matters, as in the granting of a fee³, the letting of lands and of leases⁴, and the collation to benefices, and

¹ The original has here *Thesaurarius* by an evident error for *Thesaurum*, which is given in the margin and in the Statutes of Bristol, Chester, Ely, and some other Cathedrals.

² As an illustration of these terms, the following may be quoted from the Replies of the Dean and Chapter to Bishop Rainbow's Articles of Visitation in 1666:—"Necessary utensills for the performance of Divine Service we have, and ornaments, as copes, &c. we intend shortly to have. But some of the Church utensills were imbezilled in the late times of usurpation, as the brazen Eagle upon which y^e Chapters were read." This "brassen Lecterne" appears in the Cathedral Inventory of 1571, see Appendix IV. The imbezilling of the "utensills" is deemed probable in the note on page 59, where there is more on these articles, also in the note on page 53.

³ *Feodum* or *feudum*, Low Latin for a "fee" or "fief." "Fee" is "property," originally property in cattle, from Anglo-Saxon *feoh*, "cattle."

⁴ Literally, "the demising of lands and of farms." The expression, "to demise to farm" (*ad firman dimittere*) is used regularly in these Statutes, and in other legal documents, for "to let on lease," or "let to farm"; and in Statute 19 even of the houses of the Dean and Canons. The Latin word *firma*, like the Anglo-Saxon *feorm*, meant primarily "food" or "a feast"; hence "to farm let," or "to let to farm," was not "to let to be farmed," as in more modern language, but to let on condition that a certain rent was paid in farm, or food, say corn or cattle. Now, a farm is the land, &c. which a man hires and from which food

other such like things, the consent of the Dean (if he be present) be obtained ; but if he be absent (provided that he be resident within the limits of our kingdom of England), that his consent be sought¹.

Of the Visitation of the Lands.

6. In addition, we will, that the Dean himself and the Receiver, or one of them elected and deputed by the Dean and Chapter, or (in the absence of the Dean) by the Vice-Dean and Chapter, shall, once every year, beginning, to wit, after Easter, and again, if need shall be, after the Feast of

is got ; in the old legal term, it is the rent which he pays under the lease or letting ; and thus it is used in Statute 6, *firmarum diminutiones*. In Statute 34 *firmarii* are the lessees. The important Act on leases (32 Henry VIII, cap. 28) passed only a few years before the date of these Statutes, contains many of the above expressions. The usual words employed in an old lease are "demise, grant, and farm let," and these are from the Latin law terms "*dimittere, concedere, et ad firmam tradere*."

¹ *requiratur*. The force of this word and of the whole clause has been a fertile subject of dispute. For example, Dean Atterbury, in 1705, and Dean Bolton, in 1752, attempted to exercise a negative power with regard to the appointment to a benefice ; but in both instances without success. The latter case came before the Court of King's Bench, and a *mandamus* was issued, compelling the Bishop to institute on the presentation of the Vice-Dean and Chapter. Although the case was not decided on the merits of the Statutes no further action was taken. In fact, the latter part of Statute 7 explains the course to be adopted ; and unless some serious cause of objection were established the Courts would support the majority of the Chapter. Moreover, the Dean being one, and only one, member of the body corporate, the Act 33 Henry VIII, cap. 27, passed so shortly before these Statutes, seems to forbid the Dean the power of a veto on the act of a majority of the Chapter. Similarly, objections by the Dean to leases, agreed on by the majority of the Chapter, both at Carlisle and in a well-known case at Gloucester in 1752, have been raised, but the Dean has in the end given way. See the reff. in note 1, page 13, and note 1, page 30.

Michael, visit and inspect (so far as it can be done) all the manors, lands, tenements, houses, buildings, wood-lands, plantations, woods and underwoods of the said Church. And moreover, let him have the power of letting those lands which are commonly called *Copyhold*, according to the custom of each Manor¹; nevertheless, so that he reserve the money received for the fines (as they are called) of the lands of this sort for the uses of our Church, and render a faithful account thereof. But when the Receiver is legitimately hindered, let any other from among the Canons, being elected and deputed in the manner aforesaid, fill his office in such a visitation. A Steward or Clerk of the Lands shall accompany the Dean or Receiver throughout the whole of such visitation (as often as it shall take place), and shall faithfully assist, and shall hold the courts and give sound counsel. But in the said visitation, whatsoever things are to be built anew or repaired shall be built and repaired, so that in none of them downfalls, wastes, destruc-

¹ The Manors now belonging to the Dean and Chapter are Botchardgate (including Newbiggin and Henderby and the Hospital of St Nicholas), John de Capella or Caldcotes (including Newlathes), Little Salkeld, Lorton (to which Birkby Crosscanonby is annexed), Morland, Wetheral and Corbridge. Other Manors named in the Endowment Charter have passed into the hands of the Ecclesiastical Commissioners, viz. Allerthwaite, Ellerton, Newbiggin in Allerdale, Isaacby or Prior Hall and Sebergham. The more modern name of John de Capella for Caldcotes seems to have been taken from the citizen of Carlisle who about 1360 founded the Chantry of St Katharine in the Cathedral; see *Register of Bishop Appleby*, fol. 156, and *Bp. Nicolson's MSS.*, ii. 142; the license will be found in the *Patent Rolls*, 16 Edward III, pt. 2, m. 39, Calendar p. 468. The oldest Manor Rolls now in the possession of the Dean and Chapter are Botchardgate 1650—61, Morland 1674, and, in a mixed volume, John de Capella 1662, Little Salkeld 1673, Lorton 1673, Wetheral 1662. Two of the volumes containing the early Manor Rolls have been found since the publication of *The Register of Wetherhal* (page 2) in 1897.

tions, deteriorations, diminutions of rents or of the profits of leases, may be found to have happened through want of due inspection. Also, we will, that the state of the Manors and buildings, and what repairs are needed in them, be carefully recorded. Besides, let there be recorded what the Dean or Receiver shall have agreed to, have done, provided or ordered for the same. Of all these things, the Dean or Receiver, within eight days after his return to the Cathedral Church, shall render a report in writing before the rest of the Canons there present. We have also thought right, that four shillings and six pence only for each day should be allowed to the Dean thus visiting the lands, or attending to the necessary business of the Church; but to the Receiver, going on the same duty, we allow only three shillings for each day. Lastly, we will, that, besides the sums of money defined to them above, reasonable expenses, in the judgment of the Dean himself and the Chapter, be supplied to the Dean or Receiver, as often as they go on such visitations, for the Clerk of the Lands attending them. Moreover, since frequent mention of the Chapter is made in these Statutes, under the name of the Chapter we everywhere understand the one half part, at least, of the whole number of all the Canons. For we will those things alone to be considered regular as done by the Chapter at which the one half part, at least, of the whole number of all the Canons is present together, and expressly consenting to the same¹. For the vote of the

¹ By Statute 38, the Dean, or the Vice-Dean, must be present at each Chapter; either of them together with two Canons forming a quorum. The Vice-Dean, in the Dean's absence, acts in Chapter in place of the Dean, not as Canon. The rule of common law, as well as of ancient Canon law, and the Act of Henry VIII referred to above (page 28, note 1), determine clearly that a majority of the body corporate, of which the Dean is but one member, shall bind the rest,

absent Canons (if they should wish to give any) we in no way allow to avail nor to be of any force.

Of the Letting of Lands and Tenements on Lease.

7. Moreover, we will, that neither the Dean nor any one of the Canons shall sell or give to any one woods or trees, nor let lands or tenements to any one for a term of years, or let on lease¹, without the counsel and consent of the Chapter. We will also, that no lands shall be let on lease beyond twenty-one years, nor from time to time,

see Phillimore, *Eccles. Law*, ed. 2, p. 165; Cripps, *The Law relating to the Church*, ed. 6, p. 104, and compare 4 & 5 Vict. cap. 39, § 16. It has been decided, that if the Dean and Chapter should be equally divided in numbers as to the filling up of an appointment, and the like, the Dean has not a casting vote; see the reff. *ut sup.* As half at least of all the Canons, *i.e.* two, must be present and consenting, it would seem that when only the Dean and two Canons form the Chapter, the Dean and one Canon alone cannot carry any resolution. This is a strange restriction, if intended.

¹ Literally, "demise to farm," see note 4, page 27. The difference between this term and to "let for a term of years," would seem to be that to "let on lease," or "demise to farm," might be not only for a term of years, but for a life or lives, or at will. The Statute seems to have been soon broken, for in Strype's *Annals* (i. 510) we read: "In September (1567) came one Scot a prebendary of Carlisle (Gregory Scott, M.A. made Chancellor of the Diocese in 1570) to complain to the Council of great abuses committed by the late popish prebendaries of that Church by letting unconscionable leases in the absence of Sir Thomas Smith, the Dean, to their own benefit and wrong of the successors." The oldest lease in the *Chapter Registers* is a lease of a moiety of the tithes of St Nicholas Church, Newcastle-upon-Tyne, dated August 1st, 1537, Lancelot (Salkeld) being named as "Prior of the Cathedral Church of the Blessed Mary of Carlisle" (vol. ii. fol. 37 *b*). The oldest lease of the Dean and Chapter is the lease of the house and demesne of Wetherall to John Blakeloke, dated December 14th, 1541, the year of foundation, where Lancelot Salkeld is named as "Dean of the Cathedral Church of the Holy and Indivisible Trinity" (vol. ii. fol. 83 *b*).

as from three years to three years, or from seven years to seven years, or by way of renewal of any term after it shall have expired. Nevertheless, we permit, that houses or buildings in cities and villages may be let on lease for a term of fifty, or at the most of sixty years. Also, in the indentures of the leases, we will that the lessees be obliged to pay at home in our Church the amounts of the rents to the Receiver, or to his deputy¹. But we altogether prohibit the alienation or mortgage of any Manor, land, rents, tenements, or any other immoveable property. For we desire our Church to grow rich, not to grow poor. Lastly, let not the Dean himself, nor any one of the Canons, without the consent of the Chapter, commence or carry on, lay aside or relinquish causes and actions at law, for the defence, recovery, and preservation of the right of the said Church. But livings², that is, a rectory, vicarage, or other ecclesiastical benefices of that kind, belonging to the Collation of our Church, let the Dean with the Chapter, or (in the absence of the Dean) the Vice-Dean with the Chapter, have the right and power of conferring and of presenting to the Bishop.

¹ In most of the indentures of the old Chapter leases there is a clause requiring the lessee to pay the rent "within the precincts of the Church upon the great blew stone in the north aisle of the said Church," *i.e.* upon the tombstone of Prior Senhouse. Occasionally part of the rent consisted of one or more salmon.

² The livings of which the patronage is now vested in the Dean and Chapter are all mentioned in the Endowment Charter with the following exceptions: Christ Church, Carlisle, Holy Trinity, Carlisle, Rosley and Upperby, the patronage of which was assigned to the Dean and Chapter by the provisions of certain Church Building Acts; Wetheral and Warwick, granted by Letters Patent dated January 15th, 1547; with Westward and Wrea, but how the patronage of these two ancient Chapelries came to the Dean and Chapter is not quite clear; see the *Notes on the Right of Advowson* of their Churches in the Chapter Office, also Appendix VII.

Of the Delivering over of the Goods to the Dean.

8. In order that the property of the Church aforesaid may be more securely and safely preserved, we appoint and ordain, that, after the Dean has taken the oath, all they to whom, either in the time of the former Dean or in the time of the vacancy, any custody of property was committed, that is, they who shall then have, or before have had, any goods of the said Church in their care or custody, by indentures or otherwise, shall, in presence of the Chapter, severally render a true and complete account of all things administered by them, or committed to their custody and care, and shall shew and exhibit the goods themselves in the presence of the Dean and Canons: and the whole treasure, the jewels, all the ornaments and other goods whatsoever belonging to the said Church, they shall deliver up, or cause to be delivered up, to the Dean; and whatsoever things they have before held by indentures¹, they shall receive from the hands of the Dean by new indentures severally made between the Dean and themselves. Of all which things, the Dean himself, without any delay, shall make a new and general Inventory², and shall sign the

¹ See note 1 on page 5.

² The first Inventory I have found is dated November 20th, 1571 (*Chapter Registers*, vol. ii. fol. 108 a); a portion of it is given in Appendix IV. This was, of course, made after the Commissioners of Edward VI appointed in 1552 had done their work, and many things had been confiscated in addition to those removed under Henry VIII; see the Instructions in Cardwell, *Documentary Annals*, i. 110. There are other Inventories in 1666 and 1668, but they are very meagre, as might be expected so soon after the losses suffered at the Revolution. There are fuller Inventories, dated February 1st, 1674, and January 28th, 1675 (*Registers*, vol. ix. pp. 16 b, 18); the former is given in Appendix IV. In the Replies to Bishop Rainbow's Articles of Inquiry in 1666, it is stated: "We have an Inventory of all the goods of the

same. And after this Inventory shall have been read, approved, and subscribed by the Chapter, the jewels of the Treasury, ornaments, and other things aforesaid, which are not necessary for daily use, and which ought not to remain by indentures in the custody of officers, shall be deposited in the places appointed for this purpose, according to our Statutes.

Of the Residence of the Dean.

9. Since nothing is more useful than the watchful eye of the ruler, in order that all things may be rightly governed, we appoint and will, that the Dean shall always reside at home at his Church¹, unless a lawful impediment prevent him. A lawful impediment, also, we declare to be, the domestic, which is called "ordinary," service of the King or the Queen, also the service of those who in the Court of the Prince discharge the office of Dean of the Chapel, of Almoner, or of Instructor of the Prince in Grammar; in addition, business on the King's account freely offered and entrusted, ill-health of body, the administering of the business of our Church, forcible detention, or, lastly, a journey, in the name of our Church, to Parliament or to a Provincial Council, and the delay there. But if, through Church made, examined and subscribed, and safely kept according to the Statute."

¹ That is 'at home within the precincts of the Church,' equivalent to *intra Ecclesiæ septum* in Statute 13. If the Cathedral and the grant of the adjoining land date before 1189, as in the case of Carlisle, the site of the Cathedral and the precincts thereof are extra-parochial, see the case of *Braithwaite v. Hook*, 8 Jur. N. S. p. 1186. Moreover, the Cathedral is outside the action of the law in regard to faculties, and the Dean and Chapter can make alterations in the fabric or the ornaments without the sanction of the Consistory Court. The Bishop can at his Visitation decide whether any ornament or decoration is lawful; see the case of *Boyd v. Phillpotts* and *Phillpotts v. Boyd* and the *reff.* in *Phillimore, Eccles. Law*, ed. 2, p. 172.

any of these impediments, it shall happen that he be absent from our Church, we will, that he be, nevertheless, reckoned as present in respect to sharing in all benefits and emoluments from the said Church, on account of the Corpus of his Prebend¹ and of the daily distributions; provided that he prove the cause of his absence before the Chapter (upon his return home). But if he shall happen to be absent for other causes, let him be reckoned as absent according to the proportion of the time; and we will, that he forfeit all the benefits which fall to those who are present. Moreover, we permit the Dean, each year, to be absent from our Church one hundred days², either consecutive or not consecutive, for the purpose of visiting his livings, and other benefices³ if he have any, and transacting his other private business, for which said time of absence he shall receive the emoluments which fall to him when present.

¹ *Corpus Præbendæ suæ*, the 'corpus' or 'corps of his Prebend' is the technical name for the amount of regular yearly allowance to the Dean or Canon as distinguished from the daily allowance, or quotidian, and from other emoluments. The word "prebend," from *præbere*, "to afford," "to supply," as used here is probably taken from the rations supplied to the soldiers, then applied to the provisions or money allowed to a member of the Cathedral body, and later to the estate which produced the same. "A prebend is an endowment in land, or pension in money, given to a Cathedral or Conventual Church, in *præbendam*, i.e. for the *maintenance* of a secular Priest or regular Canon, who was a prebendary as supported by the said prebend."—Burn, *Eccles. Law*. The 'corpus of his prebend,' here applied to the allowance for the Dean, is called in Statute 16 *corpus Decanatus*, and is fixed at £29. 2s. 6d.

² The legal term of residence to be kept by every Dean is now eight months at the least in every year (3 & 4 Vict. cap. 113, § 3) if he has been appointed since August 11, 1840.

³ No Dean appointed since April, 1850, can now hold any benefice with his Deanery which is not situate within the city or town of the Cathedral; and in any case the benefice must not exceed in annual value £500 (13 & 14 Vict. cap. 94, § 19).

Of the Obedience to be rendered to the Dean.

10. Since Saint Paul teaches, that we must obey those who are set over us, we will and command, that the Canons, as well as the Minor Canons and other Ministers of our Church, all and each of them, do acknowledge the Dean as their head and leader, and do reverence him, and that they, in all matters and commands lawful and honest, which concern our Statutes, or which appertain to the good government and state of our Church, do submit to, obey, assist and aid [the Dean himself¹] or the Vice-Dean, or (in their absence) the Senior Canon according to admission.

Of the Qualifications, Election, and Admission of the Canons.

11. We appoint and will, that as often as it shall happen that any of the Canons of the aforesaid Church, through death, resignation, deprivation, cession, or in any other way, leave our Church, or be removed, or expelled, such person shall be held and accepted as Canon, whom we, or our Successors, think fit to be nominated and elected, and, under Letters Patent sealed with our great Seal, or that of our Successors², presented to the Bishop of Carlisle. Also, we will, that no one shall be admitted to be a Canon who is not a Priest, of good reputation, not only learned and erudite, but who is also distinguished by some title of learning, that is, Doctor or Bachelor in Divinity, or Doctor

¹ The words *ipsi Decano* are an evident omission from the Latin copy; they occur in the similar Statutes of other Cathedrals.

² The patronage of the four Canonries is no longer in the gift of the Crown, but was granted by charter to the Bishop of Carlisle on March 7th in the 4th and 5th years of the reign of Philip and Mary (1558).

of Law, or Master of Arts, or lastly Bachelor of Law. Further, we will that the Dean, or (in his absence) the Vice-Dean, in the presence of the Canons present, shall receive and admit the Canon so nominated and presented, after institution by the Bishop¹. We will also, that no one shall be admitted as Dean or Canon of this Church who is Dean or Canon in any other Cathedral or Collegiate Church of our recent foundation², or of our Colleges of Windsor or of St Stephen at Westminster. Nevertheless, we permit to any of our domestic Chaplains, whom they call "ordinary," as well as to those of our Queen, as also to the Dean of the Chapel, to the Almoner and the Tutor of the Prince our son, that, although they hold a Deanery and Canonry in any of our aforesaid Churches or Colleges, they may be admitted, notwithstanding, to another Canonry in this Church.

Of the Oath of the Canons.

12. But, in order that the Canon who is to be admitted may the more diligently observe these our Statutes, we will, that, in the presence of the Dean, or his deputy, and the other Canons present, he shall take an oath in this form following. "I, T. C³., who have been nominated,

¹ By the Clerical Subscription Act, 1865 (28 & 29 Vict. cap. 122, § 5), every Canon, before collation to the Canonry, is required to make and subscribe the declaration of assent to the Thirty-nine Articles, and the declaration against simony, besides taking the oath of allegiance and supremacy referred to at page 26. The Canonry not being a "benefice with cure of souls" (§ 7) he is not bound to read the Thirty-nine Articles in the church.

² This refers to the Cathedrals of the New Foundation, founded by Henry VIII, eight from Conventual Cathedrals, and five from ancient monasteries; see page 1.

³ T. C. These letters probably refer to Thomas Canon, who was Canon of the first stall from 1661 to 1668; see the note on page 25.

elected, and instituted as a Canon of this Cathedral Church of the Holy Trinity of Carlisle, do swear, having touched the Holy Gospels of God, that, to the best of my ability, I will guard, preserve, and cause to be preserved, the lands, tenements, rents, possessions, rights, liberties, privileges, and all other things belonging to this Church. In addition, all and several the Statutes and Ordinances of King Henry the Eighth, our Founder, I will well and faithfully observe, so far as they concern me, and will, as much as in me lies, take care that they are observed by others; neither will I, wittingly, hinder what may be lawfully done for the welfare and honour of this Church, but will always study her advantage and honour; and if, hereafter, it shall happen to me to bear any office in the Church aforesaid, I will well and faithfully fulfil the same according to my ability. These things, all and each, I will perform; so help me God, and these Holy Gospels of God."

Of the Residence of the Canons.

13. Since it is not expedient, that the members should be far separated from the head, we will that, like as the Dean, so also the Canons, do keep themselves at home, and be always resident in our Church, unless a lawful impediment shall hinder them. A lawful impediment, also, we declare to be, the domestic, which they call "ordinary," service of the King or Queen, also the service of those who in the Court of the Prince discharge the office of Dean of the Chapel, of Almoner, or of Instructor of the Prince in Grammar; in addition, business freely offered and entrusted by the King, ill-health of body, if it should happen to any of them to be sick, either at home within the bounds of the Church or absent on the business of the

Church; moreover, the administering the business of our Church, forcible detention, or, lastly, a journey, in the name of our Church, to Parliament or to a Provincial Council, and the delay there. But if, through any of these impediments, it shall happen that he be absent from our Church, we will, that he be, nevertheless, reckoned as present in respect to sharing in all benefits and emoluments from the said Church, on account of the Corpus of his Prebend¹ and of the daily distributions; provided that he prove the cause of his absence before the Dean, or the Vice-Dean, and the Canons present upon his return home. Moreover, we permit each of the Canons, every year, to be absent from our Church eighty days²,

¹ *Prebendæ suæ*, see note 1, page 35.

² The legal term of residence to be kept by every Canon is now three months at least in every year (3 & 4 Vict. cap. 113, § 3). In the Canons Ecclesiastical of 1603 (No. 44) it is laid down that such of the Canons and Prebendaries as by the ordinances of the Cathedral Church stand bound to be resident in the same shall so among themselves sort and proportion the times of the year, concerning residency to be kept in the said Church, as that some of them always shall be personally resident there. By the Pluralities Act, 1838 (1 & 2 Vict. cap. 106, § 39), it is lawful for any Canon or Minor Canon, who is required by the Statutes of the Cathedral to reside and perform the duties of his office, to account such residence as if he had resided on some benefice, provided he is not absent from any benefice on account of such residence more than five months in any one year. The same Act (§ 32) requires the holder of a "benefice with cure of souls" (§ 124) to reside on that benefice, except for an absence of three months on the whole in one year and unless by special license from the Bishop. Hence a Canon may be absent from his living for two months besides the three months of legal residence at the Cathedral. The first arrangement of residences, in consequence of this Act, seems to have been made in November, 1845. The Cathedral Commissioners, 1852, referring to the Canons of 1603 and the changes in certain Cathedral Statutes made by the Crown, say truly—"It will be evident, on the slightest consideration, how materially the whole system of the Cathedral Churches must have been affected by this departure from

✓ consecutive or not consecutive, for the purpose of visiting his livings and other benefices, and transacting his other private business, for which said time of absence they shall receive all the emoluments which also fall to him who is present. Moreover, we appoint and will, that as often as the Dean or any of the Canons travels to preach within fifteen miles of our Church, if he shall have been absent one whole day, he shall yet receive the emoluments of that day, just as if he had remained at home. But if he shall go out to preach more than fifteen miles, and less than twenty-four, from our said Church, then, if he shall have been absent two whole days, he shall receive the same emoluments as those get who remain at home. Meantime, however, we appoint and will, that a third part, at least¹, of the whole number of the Canons shall be daily present in our Church ; because, unless a third part shall have always remained at home, we order, that all those who shall have been absent (without a lawful impediment) do forfeit their daily distribution as well as the money due for the Corpus of the Prebend of each, so long as the third part, as we have said, of the Canons shall not have been present.

the rules of the old Cathedrals, which required the constant residence of the Dean and those Principal Officers, and a certain number of Canons ; and from the Statutes of King Henry VIII, which prescribed to the Dean and all the Canons of the New Foundation the same rule of constant residence, allowing only a limited time of absence, and required the perpetual presence of a certain portion of the body."—*First Report*, p. xii.

¹ Since the whole number of Canons was four, "a third part, at least" appears a singular proportion. But in all the other Cathedrals of the New Foundation there were not fewer than six Canons. Thus the expression is intelligible when used in other Statutes which had been given by Henry VIII and not since revised, as, for instance, in those of Bristol and Chester ; and here the expression seems to have been retained unchanged. At the Visitation in 1753 the number was somewhat strangely interpreted to mean one.

Of the Sermons to be Preached in our Church.

14. Forasmuch as the Word of God is a lantern unto our feet, we appoint and will, that the Dean and Canons be diligent, in season and out of season, in sowing the Word of God, as elsewhere so chiefly in our Cathedral Church of Carlisle; and we will, that each Canon preach, himself or by others, four sermons, at least, to the people in the Church aforesaid, in the English tongue, and that upon the Lord's days; to wit, once between the Nativity of Christ and the Feast of the Annunciation of the Blessed Virgin, once between the Feast of the Annunciation and the Nativity of Saint John the Baptist, once between the Nativity of St John and the Feast of Michael, once between the Feast of Michael and the Nativity of Christ. We will, likewise, that the Dean, on Easter Day, Corpus Christi¹, and Christmas Day, preach every year, himself or by another, the Word of God, in the English tongue, in the same Church. But as often as the Bishop of Carlisle shall wish to preach, we order the Dean himself, as well as the Canons, to give way to him².

¹ Corpus Christi was a Festival, kept on the Thursday after the octave of Pentecost, and instituted in 1264 by Pope Urban IV in honour of the Blessed Sacrament; see the Offices in *Breviarium ad Usum Sarum*, ed. Procter and Wordsworth, i. col. mxi and *Missale ad Usum Sarum*, ed. F. H. Dickinson, col. 455, where are given portions of the well-known hymn *Pange lingua gloriosi*, said to have been written by Thomas Aquinas on the occasion of the institution.

² Cycles of preachers were soon arranged; such appear, for instance, in the years 1571, 1669, and 1685. At the Visitation of the Cathedral on October 26th, 1571, only thirty years after the Foundation, Bishop Richard Barnes preached "a grave, pious and mature sermon or exhortation," and exhorted them that the Dean, the Archdeacon and the Major Canons should each freely and with willing minds undertake the duty of preaching six times at least in each year within the said Cathedral Church, either themselves or by

Of the Table of the Canons.

15. We appoint and will, that the several Canons of our Church dwell apart, and sleep within the bounds of the same Church, and each maintain a distinct household, that they so employ in creditable expenses the goods which they have received from our liberality, that they may not appear to have sought the byways of avarice, or to have fallen into too great extravagance. But if any one be noted for and reported guilty of either of these vices, let him be reprov'd by the Dean, or (in his absence) the Vice-Dean, and, if it seem good, let him be punished by an arbitrary fine.

But as often as any of the Canons in our said Church do not stay more than the space of one week, we are unwilling that, for such a very little time, he be compelled to maintain a household apart. Moreover, if there be any of the Canons who, besides the stipends of the Church, has not from another source forty pounds of certain yearly income, and estimated at that sum when charges have been deducted,

some other learned man and approved preacher. To which Master Gregory Scott as proctor for Sir Thomas Smith, Knight and Dean, Masters Hugh Sewell, Thomas Tookye, Gregory Scott and Arthur Key, Canons and Mr....., Clerk, proctor for Dominus Edward Threlkyld, LL.D., Archdeacon of Carlisle, consented freely and willingly, and *viva voce* bound themselves to obey a decree, which the Reverend Father at once produced and promulgated. The Decree sets out four turns on Sundays and Saints' Days for the Bishop and the Dean, two for the Archdeacon, and six for each of the Canons. The Dean's turns did not of course any longer include Corpus Christi Day. This Decree they undertook to observe for themselves and for their successors as far as they legally could do. There was also at the time a Divinity Lecturer, recently appointed, who lectured within the choir of the Cathedral on Wednesdays and Fridays between 9 and 10 a.m. See the note page 53, also *Bishop Nicolson's MSS.* vol. iii. p. 49.

neither do we compel him to maintain a household apart ; but we will that he eat at the table of the Dean, or of some Canon, or of the Minor Canons, within the precincts of our Church ; if, however, there be more in this condition, they may have a common table at the house of any one of them ; all those who so eat together at a common table shall be reckoned as one resident only, and from the common dividend shall receive only as much as one of those who maintain a household apart. But we entirely prohibit all others who have not a common table among themselves, but eat at another's table, from being partakers of that dividend which accrues from the [absence¹] of the Dean and the Canons and from the fee of the Common Seal².

Of the Stipend of the Dean and of the Canons.

16. We know that the virtue of hospitality is very pleasing to God, which virtue in order that the Dean and Canons may more readily exercise, we appoint and ordain, that the Dean shall receive each year for the Corpus of his Deanery³, through the hands of the Treasurer, twenty nine pounds two shillings and six pence of lawful money of England, but every Canon shall receive for the Corpus of his Prebend, through the hands of the Treasurer, seven pounds and ten pence of lawful money of England. Besides we ordain and will, that the Dean, for each day in which he is present during the whole of the morning or evening Offices, or the Office of the Mass, clad in vestments proper

¹ It is evident, from the similar expression towards the end of Statute 16, that the word "absentiâ" has been accidentally omitted.

² "The fee of the Common Seal" is fixed in Statute 34 as not to exceed 13s. 4d. for the sealing of any document.

³ "Corpus of his Deanery," see note 1 on page 35.

for the Choir¹, and also for each of those days in which he is absent by permission of our Statutes, shall receive from our Church five shillings of lawful money of England. In like manner, we appoint and will, that every Canon, for each day in which he is present during the whole of the morning or evening Offices, or the Office of the Mass, clad in vestments proper for the Choir, and also for each of those days in which he is absent by permission of our Statutes, shall receive from our Church ten pence of lawful money of England. Further, we consider all those to be present during the whole of the Divine Offices, who at Matins and Vespers are present before the end of the first Psalm, but at the Mass before the end of the *Kyrie Eleeson*², nor leave the Temple before the same Offices are ended. We also will, that at each term of the year, viz. at the Feast of Saint Michael, at the Nativity of our Lord, at the Annunciation of the Blessed Virgin Mary, at the Feast of Saint John the Baptist, all the stipends be calculated and

¹ These vestments are now regulated by Canon 25—"In time of Divine Service and prayers in all Cathedral and Collegiate Churches, when there is no Communion, it shall be sufficient to wear surplices; saving that all Deans.....Canons and Prebendaries, being graduates, shall daily, at the times both of prayer and preaching wear with their surplices such hoods as are agreeable to their degrees"; and by Canon 24—"In all Cathedral and Collegiate Churches the Holy Communion shall be administered upon principal Feast Days..... the principal minister using a decent cope, and being assisted with the Gospeller and Epistler agreeably according to the Advertisements published anno 7 Eliz...." See the judgment of the Privy Council in *Ridsdale v. Clifton* in 1877. Compare also the directions as to vestments in Statute 33.

² In the Sarum Use the *Kyrie Eleeson* in the Ordinary of the Mass followed the *Veni Creator*, the Collect for Purity (the same as in the Book of Common Prayer) and the Antiphon, and immediately preceded the Lord's Prayer; see *Missale ad Usum Sarum*, ed. F. H. Dickinson, col. 579.

paid to the Dean and the Canons as well as the other Ministers; except those monies which ought to be paid every month to the Ministers for the common table and for commons, and except that money which yearly accrues from the absence of the Dean and the Canons and from the fee of the Common Seal, and is to be divided among those present; the amount of which money is to be thus collected:—the Precentor for the time being shall faithfully note the days on which the Dean and the Canons are absent; from the Dean, for every day of his absence, five shillings shall be deducted, and from each Canon, for every day of his absence, ten pence shall be deducted, and shall be detained by the Treasurer; and this amount, so accruing from the absence of the Dean and the Canons together with the fee of the Common Seal, shall be divided at the end of the year, viz. at the Feast of Michael, by a proportionate distribution, according to the number of days on which they have been resident, between the resident Dean and the resident Prebendaries¹. Now we interpret those to be

¹ The term "Prebendaries" (see note 1 on page 35) is only applied to the Canons here and at the beginning of Statute 17, being more immediately concerned with the mention of their "prebend"; but it is used in the Charter of Foundation. The term, as applied to Cathedrals of the New Foundation, has virtually become obsolete by the Act 3 & 4 Vict. cap. 113, which defines the term "Canon" as including "Prebendary" (§§ 1, 93). In fact the same person is only looked at from different points of view; as a member of the Chapter he is a Canon; as the holder of a prebend he is a Prebendary. In the Cathedrals of the Old Foundation there were formerly many Canons not all of whom were Prebendaries and held a prebend; some were very young, some might be studying abroad. But of the Prebendaries, on a fixed number only was the duty of continual residence laid. These filled certain appointed offices, and were called later Canons Residentiary. The other members of their Chapter, with but little authority therein, are now styled Canons in some Cathedrals, or Prebendaries in others. The separate estates of

resident, who both for twenty consecutive days every year are present at the Divine Offices according to the rule of our Statutes, and do there maintain a household apart. But of this same dividend we will, that a resident Dean receive double, that is, if a resident Canon, for his portion, receive from the dividend eight pence, let the Dean receive sixteen.

Of the Election of Office-Bearers.

17. The Dean and Prebendaries should remember, that they are united after the example of the body, by admonition whereof, we will and command, that they consult together for the common good with pious goodwill; nevertheless, so that the power of directing be with the Dean alone, or (in his absence) the Vice-Dean, or (if both be absent) the Senior Canon according to admission; but let modest admonition belong also to all the Canons present; and in the several office of each one, let there be incumbent upon him rebuke and prudent reproof. Wherefore, let the Dean, or (in his absence) the Vice-Dean, the Canons being convened every year on the twenty-third day of November, elect and appoint, with consent of the Chapter, these Office-bearers from among the Canons, viz. the Vice-Dean, the Receiver, and the Treasurer, who, as often as they shall refuse the office delegated to them, without a reason which is approved by the electors, so often

the non-resident Prebendaries have now been taken over by the Ecclesiastical Commissioners. In the Cathedrals of the New Foundation, the term Canon Residentiary is absolutely incorrect; on all the Canons is laid by the Statutes the duty of residence, and the title of Canon belongs to them alone. In order to obtain a body somewhat corresponding to the non-residentiary Canons or Prebendaries of the Old Foundation, the Act 3 & 4 Vict. cap. 113 (§ 23) founded 24 Honorary Canons in each Cathedral of the New Foundation; see the note on Statute 2, page 23, also the Act 4 & 5 Vict. c. 39.

we will that they altogether forfeit all the emoluments of that year (which otherwise they would have received from our Church). Also, at this election of Office-bearers, we will, that the Dean and all the Canons (failing the impediments which we have before enumerated) meet together and be present in our said Church. Otherwise, as many as at that time shall have been absent shall altogether forfeit the whole of that sum of money which they would have received in that year for the Corpus of their Prebend.

Of the Office of the Vice-Dean.

18. We appoint and will, that the Vice-Dean, for the time being, shall preside over and look to the Canons and all the Ministers of our Church (the Dean being absent, or the Deanery vacant), and shall keep them in their order; and whatsoever things ought to be done by the Dean, when present, pertaining to the business and government of the Church, in his absence, or when his office is vacant, he shall well and faithfully perform and administer. In addition, while the Dean is present, he shall be next to him both in the Choir and elsewhere, and be more prominent than the rest, and therefore more diligent and circumspect than the rest in the business of our Church, that one with the Dean he may appear to be father of the family. Moreover, we will, that (when the Deanery is vacant) the Vice-Dean shall have full and entire authority to rule and govern our Church in all things, equally with what is given and conceded to the Dean himself by our Statutes, until a new Dean shall have been elected and chosen in his place. And, that he will faithfully perform all these things, having touched the Gospels, he shall pledge his faith, in the presence of those who have elected him to this office.

Of the Office of the Receiver.

19. We appoint, that he who is admitted to the office of Receiver shall collect and receive all the monies and rents of the lands and tenements and all the dues belonging to our Church, and shall faithfully hand over all these, as soon as he conveniently can, to him who is Treasurer for the time being. It shall also be the duty of the Receiver, diligently to look after all the goods of the said Church (especially those which are outlying), opportunely to make good the dilapidations and the necessary repairs of the outlying buildings. It shall also pertain to him to perform and discharge all those things which are prescribed to him in *The Office of the Dean*, to wit, that which belongs to the visitation of the lands and tenements. And, that he will faithfully and diligently perform these things, he shall, having touched the Holy Gospels, bind himself by an oath, in the presence of those who have elected him.

Of the Office of the Treasurer.

20. We appoint and ordain, that he who shall be Treasurer for the time being shall reckon and pay at the proper time all the stipends as they are assigned in our Statutes, as well as those which are to be paid each month to the Ministers of the Choir and others for the common table and for commons, as those which are to be paid at each term of the year, and also those which are to be paid for the dividend at the end of the year. It shall pertain to him to keep in repair the roofs of the Temple¹, and to

¹ Notwithstanding, the Cathedral appears to have very soon got out of repair. There is an interesting letter from Charles I, dated September 4th, 1639, to Dean Thomas Comber, complaining that "our Cathedral Church of Carlisle is fallen exceedingly into decay," and

repair and restore the dwellings of all the Ministers¹ of our Church (except those of the Dean and the Canons) under the advice of the Dean, or in his absence of the Vice-Dean, as often as necessity shall require, and to provide for the procuring whatsoever shall necessarily belong to the furnishing of the Temple and the Choir. Moreover, he shall take care to preserve diligently material and timber fit for building; he shall also look over the buildings of the Dean and the Canons, which, if, when warned, they do not repair, he himself shall take care to have repaired out of their stipend and at their expense². Further, the houses

calling upon the Dean, or the Vice-Dean, and Chapter "to take present care for the yearly repaire." The King adds—"though S. Paules in London hath found verrye good assistance and large contribution from our subjects in generall, yet you must not thinke that the charge of repairinge other inferior Cathedrals can be put off from yourselves upon the State."—*Chapter Minutes*, vol. vii. p. 39.

¹ It is evident from the *Chapter Minutes* after the Restoration, and from the Parliamentary Survey made in April, 1650, that nearly all the buildings about the Cathedral were destroyed or "ruinated" in the time of the Rebellion, and especially after the siege of Carlisle in 1645. Mention is made of "dwellings of the Ministers" in the following from the Parliamentary Survey (there is a copy in the Chapter Office)—"One ruinous timber house situate on the north side of the Deane's house, called the singing mens house, which said house or houses the Governor intends presently to take down and to remove into the stable yard for the quartering of his souldiers, for as much as the ruines of the Cittie are so great as at present hee is forced to quarter neere about halfe of his souldiers without the Cittie." In the *Chapter Minutes*, April 18th, 1670—"Ordered that a ruined house, adjoyning to the first Prebendary's house (see the notes following) anciently belonging to a Petty Canon...be taken down, and that the said first Prebendary be allowed to add soe much of the said house to the house belonging to his Prebend as shall make it more uniforme, and that he be allowed to make use of such part of the materialls as shall be usefull for that ende."

² Deans and Canons can, with the authority of the Ecclesiastical Commissioners and with the concurrence of the Bishop and the

of the Dean and the Canons we do not permit in any way to be let on lease; but in order that they may be better and more diligently repaired for the future, we appoint, that the Canon, newly elected and admitted, shall succeed to the house of the one dead or resigning or giving up in any way, and shall possess it for himself, together with the garden and stable and other conveniences belonging to the said house¹. In addition, let him likewise possess the

Chapter, now raise money on their Deanery or Canonry for the purpose of building and improving their houses (3 & 4 Vict. cap. 113, § 59, and 1 & 2 Vict. cap. 23). Also Canons may exchange houses of residence, with consent of the Visitor and the Chapter (4 & 5 Vict. cap. 39, § 18). Under this power the Canons of the 1st and 4th stalls exchanged houses in 1883. Deans and Canons also can avail themselves of the Ecclesiastical Dilapidations Act, 1871 (34 & 35 Vict. cap. 43), under the special sections 25—28, but their Surveyor must be approved for the purpose by the Ecclesiastical Commissioners.

¹ The Canons do not appear to have acquired their separate houses for at least thirty years after the granting of these Statutes. At first they seem to have occupied portions of the old conventual buildings. In the Inventory of 1571 (see Appendix IV.) certain unimportant domestic items were set out as being in the respective "chamber" of each Canon whose name is there given. Before the times of the Commonwealth each had obtained his own house. The following extracts have reference to the houses of the Canons, their gardens and stables:—"One ruinous house, called Fletcher's house" (he was Canon of the 4th stall) "which the Governour intends to repaire to keepe his coales, turfe and other fewell needefull for the garyson, the materialls of which saide house, as stone, timber and slate, are worth to be sold...020. 00. 00." "One other ruinous house to the west ende of the saide Church, called Tunstall house" (he was Canon of the 2nd stall) "which the Governour intends to repaire for the use last above expressed, the materialls of which said house as stone, timber, boords and slates, are worth to be sold...020. 00. 00."—*Parliamentary Survey*, 1650. "Whereas the building called the Dormitory was pulled down and totally ruined in these late times, by reason whereof the stone arches underneath are much decayed and in danger of falling to the great hazard of that part of the Church adjoining to it—That for the securing of the two arches next to the Church and the preventing

stall in the Choir and the place in the Chapter belonging to his predecessor. Lastly, the Treasurer shall have charge

further danger, all the arches except those two adjoyning to the Church be taken down, and those two arches secured by buttresses and such other meanes as skilfull workmen shall direct—provided the wall between the south syde of the Church and the east end of the Fraternity be left intire—and for the better ornament of the places within the precincts of the said Church which by the taking down of the said arches might in some measure be impaired, that the ground where the said arches stood be assigned to the fourth Prebendary for a garden to be annexed to his house.”—*Chapter Minutes*, Dec. 18, 1669. The fourth Canon’s house was at the south end of the old Ambulatory, which was under the Dormitory, and it adjoined the house of the first Canon. The trace of the gable end of the Dormitory may still be seen on the south front of the Cathedral transept. The extract from the *Chapter Minutes* given in the preceding note I, page 49, goes on—“And that the first and fourth Prebendaries be allowed for their respective uses to wall in the remaining part of the ground upon which the ruinous house doth now stand together with the ground lying between the said Prebendaries’ houses and the Dean’s garden” (*i.e.* to the south of the houses). The house of the fourth Canon, at one time occupied by Archdeacon Paley, was pulled down and rebuilt to the south-east by Canon Jackson, under Chapter order of January 18th, 1859, where the house of the *first* Canon now stands, the first and fourth Canons having interchanged houses (see page 50). The house of the second Canon was at the west end of the nave of the Cathedral (see the extract above) and was rebuilt, partly over the site of the ruined nave by Canon Arthur Savage, wood for the purpose being assigned to him in April, 1669 (*Chapter Minutes*, vol. ix. p. 4 b). The house of the third Canon appears to have been to the east of the other Canons’ houses as at present. Both these houses were pulled down and the materials sold in “the times of usurpation” (*Minutes*, vol. viii. p. 475). Liberty to take wood for the rebuilding of his house was granted to Mr Thomas Tully (he was Canon of the third stall) in November, 1684. Of the stables, in December, 1669, we find it ordered—“Whereas the stables antiently belonging to the Prebendaries have been ruined and demolished in the late troublesome times—that the building behind the gatehouse be assigned to one of the Prebendaries” (*i.e.* the second, at the west end) “and the stone building next to the Barne be assigned to the other three Prebendaries for their respective stables.”

of the Sacristy; and he shall take pains that the vessels and the sacred vestments and all the muniments be carefully preserved. That he will observe all these things faithfully and diligently, he shall swear, having touched the Holy Gospels, in the presence of those who have elected him.

*Of the Qualification, Election, and Admission of the
Minor Canons and Clerks.*

21. Forasmuch as we have decreed, that in this our Church God shall be celebrated with hymns, and psalms, and continual prayers, we appoint and will, that those eight Priests whom we call Minor Canons¹, as also the four Lay Clerks, moreover the Deacon and the Sub-Deacon², who shall read the Gospel and Epistle (all of

¹ The number of Minor Canons now is two only, as fixed by an Order in Council, dated November 7th, 1850, under the powers given in 3 & 4 Vict. cap. 113, § 45. Their stipend is also fixed by the same section of the Act at not less than £150 per annum.

² The Deacon and Sub-Deacon had numerous duties as assistants of the Priest in the Office of the Mass from the 11th to the 16th centuries. The following from the rubrics of *The Sarum Missal* may serve as examples—"Let the Priest with his Ministers approach the steps of the Altar in the following order: First, the candle-bearers two and two; then the Thurifers; after them the Sub-Deacon, Deacon, Priest. Then let the Priest say the Confession, the Deacon assisting him on the right and the Sub-Deacon on the left, &c." "Then follows the Epistle, which is read on certain days in the pulpit, on others at the step of the quire, by the Sub-Deacon thus, &c." "Then let the Deacon, before he goes to chant the Gospel, cense the midst of the Altar, &c." "At the pulpit let the Sub-Deacon take the Text, *i.e.* the Book of the Gospels, and hold it on the left of the Deacon opposite him.....and let the Gospel be always read turning to the north." See also *Missale ad Usam Sarum*, ed. F. H. Dickinson, coll. 7, 12, 589. Queen Elizabeth's Commissioners in 1564 appear to have considered

whom we have appointed constantly to sing the praises of God in the Temple¹ of our Church) shall be, if possible, learned, of good report and of honest conversation, lastly, skilled in chanting, which we will to be determined by the judgment of those who in the same Church are well versed in the art of music. Also, they shall be elected, when their places are vacant, by the Dean and Chapter, or (in his absence) by the Vice-Dean and Chapter. Further, at their admission they shall take an oath of this sort.

the Deacon and sub-Deacon to be no longer necessary as Epistler and Gospeler after the Reformation. Among the defects to be reformed in the Cathedrals generally they name—"The Stipend of an Epistler and Gospeler converted to the maintenance of a Divinity Lecturer. Salary 20*l.*" (see *Bishop Nicolson's Letters*, ed. J. Nichols, ii. 342). But the ordinance sent down by the Commissioners to Carlisle, May 16, 1564, was simply—"That there be xx*li.* yearly payed to a reader of Divine Lecture in the said Church who shall read twice or thrice a weeke at the discretion of the Bishop of Carlisle" (see the "Recitall" with the ancient copy of the Statutes now in the "Chest" of the Dean and Chapter, No. 19, and compare Appendix V.). At the Visitation of Bishop Barnes in October, 1571, certain duties in the Choir of the Cathedral were enjoined on the Divinity Lecturer of the Church, "*Sacræ Theologiæ Prælector*" (see the note on page 42). At the time of the Commonwealth the Mayor and Corporation took the Divinity Lecturer and his salary of £20 across with them to the Church of St Cuthbert. The Lecturer, together with the "Communion Cup" and other articles that were "imbezilled," was never returned, but he became Lecturer of St Cuthbert's, a Cathedral Lecturer being also re-appointed after the Restoration. The Epistler and Gospeller are mentioned in connection with the two Copes—(see note 2 on page 58).

¹ Here, as elsewhere, *Templum* is the Cathedral itself, the fabric; *Ecclesia* is the whole Foundation of the Church; sometimes *Ecclesia* is used for what is within the precincts, as in Statute 13, where *in Ecclesia nostra* is equivalent to *intra Ecclesiæ septum*.

The Oath of the Ministers.

22. "I, J. T¹, who have been elected as a Minister of the Cathedral Church of the Holy Trinity of Carlisle, do swear, that as long as I shall continue in this Church, I will inviolably keep, to the best of my power, so far as they concern me, all the Ordinances and Statutes made by the most potent King Henry the Eighth, Founder of this Church. Moreover, I will shew due obedience and reverence to the Dean and the Canons. Lastly, I will diligently promote the advantage and honour of this Church, so help me God and these Holy Gospels of God." Which said oath we also will each of the Ministers of our Church to take at his admission.

Of the Residence of the Ministers.

23. We ordain and will, that the residence of the Minor Canons, Clerks, and all others ministering in our Church shall be continual; for it shall be lawful to no one to be absent a whole day or a whole night from our Church, unless with permission first obtained either from the Dean, or (in his absence) from the Vice-Dean; and whosoever shall have acted contrary to this shall be fined by the Dean, or (in his absence) by the Vice-Dean, at his discretion. But if any of the Ministers of the Choir shall uncourteously depart from the Church without three months' notice to the Dean, or (in his absence) to the Vice-Dean, we will that he be deprived of three months' stipend. Also, whosoever of the Minor Canons shall

¹ J. T. Johannes Thompson appears as one of the Minor Canons in the Roll Call on November 23rd, 1661.

be absent from Procession¹, or Greater Mass², or Matins, shall forfeit a penny; and whosoever shall be absent from Vespers, or Compline³ shall forfeit a half-penny; whosoever shall be absent from Prime, or Terce, or Sext, or None⁴, shall forfeit a farthing; whosoever shall not have entered the Choir before the end of the first Psalm, or before the *Kyrie Eleeson*⁵ in the Mass, shall forfeit a farthing; whosoever shall neglect to discharge the duty enjoined upon him in the Choir by the Precentor shall forfeit two pence.

¹ "Procession." Numerous examples of these Services are given in the mediæval *Processionals*. The Service here referred to is that which took place on Sundays and certain appointed days and occasions before Mass, and as a preliminary to it, usually between the offices of Prime and Terce. See the good Introduction by Dean Henderson to the *Processionale ad Usum Sarum*. The Injunctions given by Edward VI in 1547 prohibited any procession at any time about the Church or Churchyard, and substituted the Litany before High Mass; see Cardwell, *Documentary Annals*, i. p. 14. A curious illustration of the term is given in the *Register of Bishop Appleby* (fol. 250). In May 1372 the Bishop orders his Official to proceed against those Rectors and Vicars who have contemptuously broken the old custom which required them to attend the Whitsuntide Procession in the Cathedral in their surplices, and with the Cross carried before them.

² Greater, or High, or Solemn Mass was the Mass which was said with a full attendance of Ministers and all the elaborate rubrical ceremonies. It is distinguished from the Low Masses, or from such a Mass as the Mass of the Holy Ghost referred to in Statute 33.

³ *Completorium*, or Compline, the last Office, refers either to the completion of the acts of daily life, or to the completion of the daily round of devotion.

⁴ The Seven Canonical Hours, the Offices here named, are found in the *Breviary*; see *Breviarium ad Usum Sarum*, ed. Procter and Wordsworth. A translation of the Offices in the Psalter, *i.e.* of the Offices for Sunday and week-day services, so far as they are not affected by the portions proper for the special season or the Holy days, will be found in *The Sarum Psalter*, published by Masters in 1852. On these Offices generally, see *Dict. of Antiquities*, ed. Smith and Cheetham, i. 792; ii. 1444; compare the notes on Statute 33.

⁵ See note 2 at page 44.

But the fines of the Master of the Choristers and of the Clerks shall be determined at the discretion of the Dean and the majority of the Canons present. Also, the sum forfeited by those who were absent shall be divided at the end of each term¹ among those present, by an equal distribution, according to the number of days on which they shall have been present, so that those who shall have been present on more days shall receive more dividend, but those who have been present on fewer, less. And moreover, in order that the Minor Canons and Presbyters of our Church may more diligently serve the rest of their ministries, we give them license to enjoy one ecclesiastical benefice, and no more, together with their aforesaid duties in our Church, provided that a benefice of this sort be not distant more than twenty-four miles from the City of Carlisle²; from which benefice we permit them to be absent as long as they shall be ministering in our Cathedral Church, any Statutes of our Realm whatsoever to the contrary notwithstanding.

¹ The terms are defined in Statute 16.

² No Minor Canon, appointed since 1840, can now hold, together with his Minor Canonry, any benefice beyond the limit of six miles from the Cathedral (3 & 4 Vict. cap. 113, § 46). Under the powers of the same Act (§ 47) a Rule of Patronage was drawn up in 1871, assigning to the Minor Canons the livings of Addingham, Cross-canonby, Kirkland, Rosley, Sebergham, and Westward. The Minor Canons are to succeed to them as they fall vacant on condition that they have served five years at least in their office, and that, in the judgment of the Dean and Chapter, they are fit and proper persons, and satisfy the Dean and Chapter as to their moral and religious character. Compare Appendix VII.

Of the Precentor and his Office.

24. We appoint and ordain, that, out of the Minor Canons, one, more mature in age and excelling in behaviour and learning, shall be elected to be the Precentor, by the Dean and Chapter, or (in his absence) by the Vice-Dean and Chapter, whose duty it shall be to direct with decorum those chanting in the Church, to sing before the others, and to be as it were the leader, lest any discord should arise in the chanting. All the Minor Canons, and Clerks, and others who come into the Choir to sing, shall obey him in what belongs to the business of the Choir; whatsoever he shall prescribe to be read or sung, they must promptly obey. But, moreover, without any evil design, he shall note the absence from the Divine Offices of the Dean and Canons as well as of all ministering in the Choir; of which absence he shall give an account every fortnight, at the Chapter House¹, before the Canons present. And if any one of the Minor Canons or Clerks shall allege the cause of his absence from the Divine Offices, it ought to hold good, if it be approved by the Dean, or (in his absence) by the Vice-Dean. Moreover, he shall cause that the books entrusted to the Choir be well taken care of and preserved. Lastly, as often as it shall happen that he is absent from our Church, he shall designate another person, who shall faithfully discharge his duty. All these things he shall promise with a solemn oath that he will faithfully perform.

¹ See the note on Statute 38, page 83.

Of the Sacrist, Sub-Sacrists, and Virger.

25. We appoint and will, that out of the Minor Canons one, a man industrious and of much fidelity, shall be selected by the Dean and Chapter, or (in the absence of the Dean) by the Vice-Dean and Chapter, who shall be called the Sacrist, to whom shall be committed the care of the Temple, Altars¹, Chapels, vestments², books³, chalices⁴,

¹ Or "of the Altars of the Temple," but see after in the Statute.

² There was a Vestry, or Sacristy, in which any of the articles here named could be kept if required. Of this Vestry, it is said in the Replies of the Dean and Chapter at Bishop Rainbow's Visitation in 1666—"In the late times of usurpation.....the Vestry of the Church was pulled down and all ye materialls, as stone, lead, wood, and iron, sold and gone." There are traces of this Vestry on the south aisle of the Cathedral, which seems to have communicated with an upper chamber by buttress stairs. In 1705 the following occurs in the *Chapter Minutes* (vol. x. p. 47)—"We are directed and advised by our said Visitor to take down that useless porch before the Fraternity, and to employ the stone, lead and timber towards the building of a Vestry on the south side of the Cathedral where the Vestry was formerly built"—the Order was made accordingly. Willis (*Cathedrals*, p. 287) speaks, in 1727, of "a Vestry lately built, against the Bishop's throne on the outside." It is shown in Billing's *Carlisle Cathedral*, Plate xxii.; but it was pulled down in 1853, when the Cathedral was restored by the Ecclesiastical Commissioners. The only remaining "vestments" of which there is any record are the two Copes which the Dean and Chapter now possess. They appear in the Inventory of 1571 as "A Cope of blew damask orphar'd (orphrayed) with ymages" and "A Cope of cloth of tyssue," also in later Inventories as "Two wrought and imbroidered Coapes." In Edward VI's Inventory of 1552, we find mentioned—"xij copis sum...sum grene, iiij vestments with all of gere thereto"; but the two above mentioned alone seem to have been kept by the King's Commissioners. In a small MS. book (in the great "Chest" in the Dean and Chapter Office, see Appendix V. No. 22) bearing the name of Thomas Tullie (Dean, 1716) there is, with a Rental of 1685-6, a list of things to be "provided...and done," among them, "That the two Copes be mended and worn by Epistler and Gospeller." This does not appear ever to have been "done." In 1258 an Indult was granted

from Rome to the Prior and Chapter to "wear birettas or caps in Choir on account of the cold, provided they are removed at the Gospel and the elevation"—*Papal Registers*, Rolls Series, vol. i. p. 361.

³ I have found no direct reference to any of the "books" used at this time, except to one in the record of a curious incident in the *Letters and Papers of 32 Henry VIII* (Rolls Series, vol. xv. Nos. 619, 633). Master Hew Sewell (afterwards a prebendary) brought on May 1st, 1540, to certain justices of the peace in Cumberland "one book called a legend" (the *Legendarius* containing the lessons read at Matins, chiefly Acts of the Saints) which was "occupied" in the Church of the late monastery, and in which, contrary to the Acts of Parliament, the service of Thomas Becket, and the usurped name "Papa" of the Bishop of Rome were unrased. The justices thought the matter so important that they sent it with the "book" to Sir Thomas Wharton for Lord Cromwell. Sir William Florence (or Florens, named prebendary of the 1st stall in the Charter) "chief chanter of the monastery" seems to have been implicated in the case, but when he was sought by the justices he was found to have escaped to London.

⁴ Besides vestments, chalices and other Church plate, which remained after the spoliation on the suppression of the Monastery, were no doubt removed by King Edward VI's Commissioners in 1552 or 1553. In their Inventory occur "Too chalesses of silver." In the Cathedral Inventory of 1571 there is only mention of "One Comunyon Cupp of sylver with a Cover weeing xx ounces." Archbishop Grindal's Injunctions, issued the same year, forbid "a Chalice, or any profane cup or glass," and ordered "a Communion Cup of silver, and with a cover of silver appointed also for the ministration of the Communion bread" (Grindal, *Remains*, Parker Society, p. 124). Thus, also in 1571, two Communion Cups of silver with covers were commanded to be bought for the parish of Crosthwaite with the money received for the Chalices; see the interesting document given in *Bp. Nicolson's MSS.* vol. ii. p. 195, often transcribed incorrectly. In the terrier of St Cuthbert's, Carlisle, for 1749, we find mentioned "one Silver Chalice and Cover weighing twenty ounces"; these are now there. It is more than probable that they were taken from the Cathedral by the Puritans when, in 1650, the Mayor and Corporation moved from St Mary's Church in the nave of the Cathedral to St Cuthbert's. This seems to be confirmed by the fact that in the Cathedral Inventories for 1666 and 1668, there is only mentioned "one double gilded bowle and cover"; while in the Inventory for 1674, we get—"one large double gilt chalice and patten, one single gilt chalice and patten, one little silver bason, one silver mace, two pewther flagons." In October, 1680,

muniments¹ (*monuments*) and other ornaments². All which things he shall receive from the Treasurer, in the presence of the Dean, or (in his absence) of the Vice-Dean, and Canons present, by indentures, and shall give them up in like manner. He shall also take care, with the advice of the Treasurer for the time being, that wine, water, or wax for lights, requisite for the punctual celebration of the Divine Offices, which are celebrated at proper times, be in no wise wanting. In addition, the same Sacrist shall visit the sick in our said Church, shall hear their confessions, and shall diligently and reverently

Dean Thomas Smith gave "Two flagons, two chalices, two patens, one bason, all double gilt, in value about £100"; see the *Chapter Minutes*, vol. ix. p. 49, where are also directions for cleaning. In consequence of this gift an order was made in June, 1681, for the sale of "the old Chalice, Paten, and one silver spoon," as having "become useless" (vol. ix. p. 50*b*). The *Audit Book* (vol. i.) for 1681 shows the account—"Pro pecuniis receptis pro Calice et Patina £006. 02s. 06*d*....Item pro cochleari £000. 08s. 09*d*." The Terrier of Caldbeck for 1749 states that the Chalice and Paten were bought at that price for the Church there, bearing the arms of the Dean and Chapter. They are no longer there. The spoon went elsewhere. Dean Smith's plate is still in the possession of the Cathedral together with two small cups bought, one in 1842 the other in 1872, and a paten given in 1897. After just 350 years two Chalices of mediæval pattern were given to the Cathedral to replace the "too Chalesses of silver" which were removed.

¹ *munimentorum*; but this must be an error for *monumentorum*, which is the word used in the Statutes of Bristol, Ely, and others; where the former is used in Statute 20 the reference is to a different officer.

² The term "Ornaments" was not as now confined to articles of decoration, but included all the articles used in the performance of the Offices of the Church. It is laid down in ecclesiastical law that "all the several articles used in the performance of Services and rites of the Church are ornaments"—*Westerton v. Liddell*, Moore, S. R., p. 157. Perhaps, among ornaments may be reckoned the "two hornes for the Altar" (see the Inventory for 1674, Appendix IV.), simply two walrus tusks, which the Dean and Chapter now have.



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COMMUNION PLATE, CARLISLE CATHEDRAL.

TO FACE P. 60.

administer the Sacraments both to the sick and to those who are in health, as often as there shall be need or the exigency of the season shall demand. Also he shall receive the offerings in the Temple, if there be any, and shall keep them to be delivered up for the use of our Church. Further, we will, that he have under him two trustworthy and industrious men, to be nominated by the Dean and Chapter, or (in the absence of the Dean) by the Vice-Dean and Chapter, and who shall obey the order of the said Sacrist, shall fold the vestments, light the candles and arrange the Altars, who shall take care that the Temple be swept and cleaned, shall ring the bells and take care that they be rung at the hours prescribed by the Dean and the Vice-Dean¹. Moreover, we will, that some one honest man shall be elected by the Dean and Chapter, or (in the absence of the Dean) by the Vice-Dean and Chapter, who shall be called the Virger; whose duty

¹ By Statute 28 the Poor Men are to assist the Sub-Sacrists in ringing the bells. Of these "bells" there is only one remaining at present. At that time they appear to have been four in number. The Commissioners of Edward VI in 1552 report "fourre gret belles." The three others were probably then removed; for as early as 1608 one of the new bells was added. The four old bells, according to Leland (*Collect.* i. 472) and others, were put in the great tower when it was built by Bishop Strickland (1400—19). The old bell has the following inscription:

+ IHC + IN . VOCE . SUM . MUNDA . MARIA . SONANDO . SECUNDA.

The rest of the present ring of six bells were added at various dates. There is an account of them by Rev. H. Whitehead in the *Cumberland Archæol. Trans.* (viii. 135). The first of the five new bells bears the name and date—Will. Orbel L.M. 1608, though what the *Ludi Magister*, or schoolmaster, had to do with the bells does not appear (see note 2, page 64). He was not, as has been suggested, Chapter Clerk, or rather Registrar, who at that time was Lawrence Mydleton. The tradition that the bells were not rung for 100 years after 1745 is a pure invention, as is shown by the Chapter records of subsequent ringing.

it shall be to carry the virge before the Cross¹, and in each procession to go before the Choir; and to proceed before the Bishop, if he be present, or (in his absence) before the Dean, when going to the Temple or departing from it; and, in fine, to do all those things which are accustomed to be done by the Virgers in Paul's Church in London. We will, lastly, that the Sacrist, as well as the Sub-Sacrist and the Virger, so often as it shall happen that they themselves are absent from our Church for a legitimate cause, according to the prescription of these Statutes, shall substitute others in their place, who shall faithfully discharge their duty in their absence. Which Sacrist, Sub-Sacrist, and Virger, shall also be bound by an oath to discharge their duties faithfully and in person.

Of the Choristers and their Master.

26. We appoint and ordain, that, by the election and designation of the Dean and Chapter, or (in his absence) of the Vice-Dean and Chapter, there shall be in our aforesaid Church six Choristers, boys of tender age, and with sonorous voices and apt at chanting, who shall attend, minister, and chant in the Choir. To instruct these and to imbue them with modesty of behaviour as well as skilfulness in singing, we will, moreover, that (besides the four Clerks before named) one shall be elected by the Dean and Chapter, or (in the absence of the Dean) by the Vice-Dean and Chapter, who shall be of honest reputation, correct

¹ By the rubrical directions of the Use of Sarum this, viz. before the Cross-bearer, is the position of the Virger in the "Procession" referred to in the note to Statute 23; see *Processionale ad Usam Sarum*, ed. W. G. Henderson, page 5.

life, skilful in chanting and playing the organ¹, who shall studiously occupy himself in teaching the boys, in playing the organ at the proper time, and in chanting the Divine Offices. But, if he shall be found negligent or idle in teaching, after a third warning, let him be deposed from office. Which said Master of the Choristers shall also be put upon oath faithfully to discharge his office in his own person.

Of the Teacher of the Boys in Grammar.

27. We appoint and will, that one shall be elected by the Dean and Chapter, or (in his absence) by the Vice-Dean and Chapter, learned in Greek and Latin, of good reputation and pious life, endowed with the faculty of teaching, who shall train in piety and furnish with sound

¹ In the Cathedral Inventory of 1571 (Appendix IV.) is mentioned "one pair of organnes." In 1684 Bishop Thomas Smith gave to the Church an organ which cost him £200. It was first played upon April 6th, and William Nicolson, Archdeacon, preached a sermon on that occasion. There is the following Memorandum in the *Chapter Minutes* (vol. ix. pp. 49, 62)—"The old Organ was given by the Dean and Chapter to the Lord Bishopp and he freely bestowed it upon the Corporation of Appleby for the use of the Church." In July 1804 an agreement was entered into with John Avery of Westminster for a new organ to cost £585. The old organ was to be offered to St Cuthbert's, Carlisle, if they should want one; if not, it was to be sold. It is said to have gone to Hexham Church. In 1855 Avery's organ was sold to Mr G. H. Head for £250 and a new organ by Messrs. Wjllis of London was purchased, partly by public subscription, for about £1000. This organ was renovated in 1875 at a cost of above £810. It was again renovated in 1893, and adapted to be blown by gas at a cost of above £1000. There is a curious entry in the *Chapter Minutes* of June, 1817, with regard to the organist; he is fined five guineas and threatened with dismissal for tippling at ale-houses and frequenting the cockpit.

learning any boys whatsoever resorting to our School¹ for the sake of learning grammar. But this Teacher of the Boys² shall diligently and faithfully observe the rules and order of teaching which the Dean and Chapter shall have thought fit to prescribe. But, if he shall be found idle, or negligent, or less fitted to teach, after a third warning, let him be removed by the Dean and Chapter, and deposed from office. Also, he shall promise with an oath faithfully and in person to perform all things belonging to his function.

¹ The School was carried on under this Statute until 1880. Sometimes the Corporation made grants towards the stipend of the Master; sometimes they entered upon lawsuits against the Dean and Chapter in regard to the School. Bishop Thomas Smith left £500 to the School by his will, dated September 27th, 1700; this was invested in a farm in the parish of Addingham in 1719. The Order in Council approving the Scheme of the Charity Commissioners for the New School was made on February 26th, 1880. Under this Scheme the New School received £15,000 from the Ecclesiastical Commissioners and the farm at Addingham, the Dean and Chapter retaining the school buildings and the statutable payment to the Master, but undertaking the education of their Choristers.

² The first Teacher whose name appears in the *Chapter Registers* is William Hay, appointed December 15th, 1578, at a salary of £20 (vol. ii. p. 150 *b*). Robert Mandevil was admitted schoolmaster, probably about 1596 (vol. iii. Index, p. 195). Robert Mandevil "resigned his place volantarile," and Thomas Johnston was admitted, probably about 1604 (vol. iii. Index, p. 199 *b*). In October 1610 William Orbell resigned the office and Thomas Robson was appointed "*Ludi Magister et Informator puerorum*" (vol. iv. pp. 490, 491). It may be noted here that the early *Minute Books* or *Registers* of the Dean and Chapter have been numbered in regular order, apparently by Dr Hugh Todd, Canon 1685—1720. Between vols. iii. and iv. there is a volume missing, referring to the years 1594 to 1609. But at the end of vol. iii. will be found an Index of the missing volume (pp. 194 *b*—202 *b*, paged at the bottom), also of vols. ii., iii., and iv., though vol. ii. has an index of its own.

Of the Poor Men and their Office.

28. We appoint and will, that on our designation and election, or that of our Successors, by our Letters, or Letters signed by the hand of our Successors¹, there shall be in our Church aforesaid, and maintained out of the property of our Church, six Poor Persons, men borne down by poverty and afflicted by want, or injured or maimed in war, or overcome by old age, or otherwise weakened and reduced to want and misery. Whose office it shall be, as far as their infirmity permits, to be present daily in the Temple at the time of the Divine Offices, to give themselves to prayers, to serve, assist, and wait upon the Presbyters when about to celebrate, and to help the Sub-Sacrists in lighting and extinguishing the lights and in ringing the bells (as far as their strength will allow); in fine, to obey the Dean or Vice-Dean in those things which pertain to the beauty of the Church. But, if they be found idle in those duties, let them be corrected at the discretion of the Dean, or (in his absence) of the Vice-Dean. But, if any of them shall be absent, nor reside in our Church or at least in the buildings very near to our Church, we will that

¹ The Poor Men were regularly appointed by the Crown until the reign of George III. The offices having become of little value, as no claim could be made for more than the annual statutable sum, the appointments have been allowed to lapse to the Dean and Chapter. The last Patent bears date August 20, 1771. The three Bedesmen of St Nicholas, who are now on the Cathedral Roll, are not members of the Foundation. They then lived in the Hospital of St Nicholas in the suburbs of the city. It had been given to the Priory by Edward IV in 1477. In the Endowment Charter of Henry VIII, among the charges upon the estate is £5. 17s. 0d. "for the said poor Bedells" or Bedesmen. The Hospital "was altogether ruynated in the tyme of the leaguer before Carlyle" (1645). See more on this Hospital in *The Register of Wetherhal*, ed. J. E. Prescott, page 176.

he forfeit his stipend in proportion to his absence. Nevertheless, we permit the Dean, or (in his absence) the Vice-Dean, to give them power to be absent twenty days each year, for a reason to be approved by the Dean himself, or (in his absence) by the Vice-Dean. Also, that they will discharge the office, they shall affirm by the same oath as the rest of the Ministers of our Church.

Of the Inferior Ministers of the Church.

29. Whereas no one can worthily serve the Divine Offices and at the same time be occupied in secular ministrations, lest they who minister in the Choir be impeded in their duty, we have decreed that inferior Ministers be substituted. We will, therefore, that the Dean, or (in his absence) the Vice-Dean, according to his discretion and with prudence, shall choose and admit as Butler a man industrious, of good reputation and upright life, who, at the proper hours, shall diligently supply bread and drink to those eating in common, and shall sedulously serve the buttery¹. It shall also be the duty of the Butler, together with the Cook and the Sub-Cook, diligently to look after the provisions to be bought for the table of the Minor Canons and Ministers under the advice of the Steward. He shall also render weekly to the monthly Steward an account of what is paid and received. Moreover, we will, that the Dean, or (in his absence) the Vice-Dean, choose

¹ *promptuarium*, the storehouse from which the stores were given out (*promo*). The buttery, or butlery, a term well known in Colleges, in Middle-English *botelerie*, is primarily a place for bottles, then for provisions generally; so Shakespeare, *Taming of the Shrew*, Induction, Scene i. 102, "Go, sirrah, take them to the buttery, And give them friendly welcome." The *pincerna*, or "butler," was specially concerned with liquors.



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INTERIOR OF THE FACTORY, CARLISLE.

one Porter, who shall also exercise the office of Barber, an industrious man, of good reputation and upright life, who shall faithfully keep the keys of the gates, and watch the doors and outer gates of the precincts of the Church; and at the command of the Dean, or (in his absence) of the Vice-Dean, shall shut, lock, and open them. At night, he shall not allow them to be open to any one, except at the express command of the Dean, or (in his absence) of the Vice-Dean. This man also, as we have said, we wish to discharge the office of Barber, who shall cut and shave *gratis* all in our Church. Lastly, the Dean, or (in his absence) the Vice-Dean, shall likewise choose a Cook and a Sub-Cook, men industrious and of good reputation and upright life, who shall diligently prepare all the provisions and eatables for the table of those feeding in common. And all these shall also be bound by an oath to perform their duties in person and faithfully.

Of the Common Table of all the Ministers.

30. In order that those who assemble together, and together praise God in the Choir, may also eat together and together praise God at table, we appoint and will, that the Minor Canons and all the Ministers in the Choir as well as the Teacher of the Grammar Boys, and all other the inferior Ministers of our Church, also the boys learning music, if it can be done conveniently, shall eat and be fed together at the same time in a common hall¹. In which

¹ Browne Willis (*Cathedrals*, p. 286), who seems to have had his information from his "learned friend," Dr Hugh Todd, made Canon in 1685, says that they dined regularly in the Fraternity, or Refectory, until many of the Conventual Buildings were destroyed. This took place at the siege of Carlisle in 1645. The Parliamentary Survey,

said hall the Precentor, or (in his absence) the Minor Canon who is first by admission, shall sit at the upper part of the table; then the Teacher of the Boys in Grammar, and the rest of the Minor Canons, and the Master of the Choristers. In the second rank, shall sit the Deacon, and

made in 1650, speaks of "One house called the fratree, being lately very ruinous but now repaired, had in repairing for a barne to lay corne in and now employed for that use, the materialls for which saide house (called the fratree) are stone, timber and leade besides the new repairs wee value worth to be sold...110. 00. 00." After the Restoration in 1660 the Ministers certainly did not eat together; for in the earliest *Audit Book* of the Cathedral which is extant we find that in 1668 the statutable amounts for their common table and for their liveries were paid directly to each of the Ministers in addition to their stipends; compare the note on Statute 32, page 73. The Fraternity was rebuilt when Thomas Gondibour was Prior, about 1484. The whole of the crypt and some of the old wall, especially on the north side, dating from the 14th century, were used. Hence the upper part of the building appears to have got in later days the name of the New Fraternity; see the extracts in the note on Statute 38. After having undergone much mutilation at different periods the Fraternity was restored in 1881, as far as possible, to its condition under Prior Gondibour, at a cost of between £6000 and £7000, Mr G. E. Street, R.A. being the architect. The inside 14th century string-course, which had been cut away, also some ancient oak beams, were discovered built in behind some of Prior Gondibour's work. His initials T. G. may be seen in the crypt. The word Fraternity has nothing to do with the Latin *frater*, as is often supposed. It does not mean the "common hall" of the brotherhood, but is simply the refectory, coming through the Old French *refretoir* from the Low Latin *refectorium*. The loss of *re* is similar to the loss of *in* from *infirmaria* (infirmary); the old French *enfermerie* became the Middle English *infermerye*, which was shortened into *fermerye*. In the notes of Professor W. W. Skeat on *Piers the Plowman* (p. 97, Early English Text Society) he has the following, in *Passus vi*, line 174: "'Freres in here freitour shalle fynde that tyme bred without beggyng,' i.e. Friars shall in that day find bread in their refectory without begging." The word 'freitour,' corrupted into fraternity, or frater, is used by Tyndal to signify a refectory (*Exposition*, Parker Society, p. 98); see also *Archbishop Grindal's Remains*, Parker Society, p. 272.

the Sub-Deacon, and the four Clerks. At the second dinner shall sit the Choristers, the Butler and the Cook. The Censor of Manners in the hall shall be the Precentor, or (in his absence) the first Minor Canon by admission, who shall rebuke the men behaving unseemly, but their Teacher shall rebuke the boys, that all things may be done in the hall with silence, order and decorum. Moreover, one out of the Presbyters of the Church shall be chosen every year, on the twenty-third of November, by consent of the majority of those eating together in the first and second rank, who shall discharge the office of yearly Steward, who shall be the Steward for one whole year, and who, for the common table, shall provide wood, coals, salt, and other things of the sort which seem to be necessities for the "Store," as they call it, of the future. He shall examine the account of the monthly Steward, that is of him who shall be Steward for the month, every week and at the end of each month, and shall render an account of all expenses at the end of the year to the majority of those eating together of the first and second rank. Further, one of the inferiors, and of the companions at table in the second rank, shall each month in turn, himself or by another, discharge the office of monthly Steward, by whose advice the Butler and Cook shall be guided in purchasing the victuals; with whom also, if it shall seem good, he shall go to the market, and with them buy and provide the food. Nevertheless, we will, and we concede it to be free to the Dean, or (in his absence) to the Vice-Dean, to assign and cause to be paid to the Teachers of the Boys who have wives, and to the married Clerks of our Church, and also to any who are sick, a portion of money in place of food or their commons; but to the rest of the Presbyters and Clerks and also to the

Choristers having food given *gratis* within the Church¹, we permit a portion of money to be assigned and paid over in place of food or their commons, provided that they pay weekly some money to the common table of their companions, according to the discretion of the Dean and Chapter. We also appoint and ordain, that the Treasurer of our Church in the beginning of each month shall deliver, count out and pay to the monthly Steward, for the table and commons of each of those eating in common after the following scale: to wit, for those eating in the first rank, that is, for each of the Minor Canons, for the Teacher of the Grammar Boys and for the Master of the Choristers, five shillings and four pence monthly; likewise for the table and commons of each one eating in common in the second rank, to wit, for the Deacon and Sub-Deacon and each of the Clerks, four shillings and eight pence monthly; likewise for the table and commons of each one eating in common at the second dinner, to wit, for each Chorister, the Butler and the Cook, three shillings and four pence monthly; which said monthly sum, the monthly Steward shall faithfully and frugally dispense with the advice of the yearly Steward, and at the end of the month shall render an account of the amount laid out to the yearly Steward and another prudent man of the first or second rank. Also, to discharge their duties faithfully, both Stewards shall be bound by virtue of an oath given to the Church. Lastly, all the Ministers of our Church eating in common shall obey and follow the decrees, regulations and statutes, which at any time shall be put forth by the Dean and Chapter concerning these matters.

¹ Choristers in Cathedrals frequently lived at the tables, or by the alms, of the Canons, and rendered them a certain amount of household service; compare the Appendix, *First Report Cath. Commission*, 1852, p. 184, and M. E. C. Walcott, *Cathedralia*, p. 142.

*Of the Garments of the Ministers which they call
Liveries.*

31. We appoint and will, that the Minor Canons, Clerks, and other Ministers of our Church, also the Choristers and the six Poor Men shall wear outer garments of the same (as near as may be) or a similar colour; also, that all of whom we have spoken shall receive, for the making of outer garments, cloth, according to the form which we here prescribe. Each of the Minor Canons and the Teacher of the Grammar Boys shall receive four yards of cloth for their gowns, at the price of five shillings a yard. The Master of the Choristers and the Virger shall receive for their garments three yards of cloth, at the price of five shillings a yard. The Deacon and the Sub-Deacon shall receive four yards of cloth, at the price of four shillings and six pence a yard. Also, each Clerk shall receive for his garments three yards of cloth, at four shillings and six pence a yard; and the other Ministers, viz. the Sub-Sacrists, Butler, Porter, and Cook, shall each receive three yards of cloth for his garments, at three shillings and four pence a yard; each Chorister and also the Sub-Cook shall receive for his garments two yards and a half, at three shillings and four pence a yard. Lastly, each Poor Man shall receive for his garments three yards of cloth, at three shillings and four pence a yard. Which said cloth, when given to him, whosoever shall not have taken care to have decently fitted and made up for him, and shall not have used at fit and proper place and time, he shall be deemed unworthy of our gift, and therefore let him be compelled to repay so much to our Church out of his stipend. But this cloth and these

livery garments, the Dean, or (in his absence) the Vice-Dean, and the Receiver for the time being ought to provide each year for our Church, and shall deliver to each one his portion of cloth before the Nativity of our Lord, that with new garments and new spirits they may celebrate the birthday of our Lord Jesus Christ. Nevertheless, we permit, that, if any of the Ministers or the Poor Men have already before a livery, in the opinion of the Dean, or (in his absence) of the Vice-Dean, sufficiently sound, and fit for and suited to the decency of our Church, he be not compelled each year to receive a new livery, but he shall so long use that which he has, according to the prescript of the Statute, until the Dean, or (in his absence) the Vice-Dean, think a new and better livery ought to be bought for him. But, in the mean time, let the money for the said livery, determined by the price, be given to him yearly. But the Poor Men, on the left shoulder of their gowns, let them always wear a rose¹ made of red silk; and as often as they go into the Temple of the Church, or proceed elsewhere in public, let them everywhere walk clad in the said gowns.

Of the Stipends of the Ministers.

32. We appoint and will, that out of the common property of our Church, besides the commons and the liveries above assigned, stipends shall be paid to all the Ministers of our Church by the hands of the Treasurer at each term of the year², in equal portions, after the following scale, viz. to each of the Minor Canons for his portion,

¹ This, of course, is the red rose of the House of Tudor, so freely exhibited by Henry VII and Henry VIII.

² The terms are fixed in Statute 16.

three pounds ten shillings and eight pence¹; to the Teacher of the Grammar Boys, eight pounds seventeen shillings and four pence; to the Master of the Choristers, five pounds ten shillings and eight pence; to the Deacon, two pounds ten shillings; to the Sub-Deacon, two pounds; to each of the Clerks, two pounds nineteen shillings and two pence; to each of the two Sub-Sacrists, two pounds sixteen shillings and eight pence; to the Virger, two pounds eleven

¹ These amounts, some of which at first sight appear strange and arbitrary, when added to the sum allowed to each class for commons and for liveries, become sufficiently reasonable. Thus we have

	Minor Canon			Schoolmaster			Master of Choristers		
	£	s.	d.	£	s.	d.	£	s.	d.
Stipend	3	10	8	8	17	4	5	10	8
Commons 13 months } (52 weeks) at 5/4 }	3	9	4	3	9	4	3	9	4
Livery	1	0	0	1	0	0	15	0	
	£8	0	0	£13	6	8	£9	15	0

	Lay Clerk			Chorister		
	£	s.	d.	£	s.	d.
Stipend	2	19	2	15	0	
Commons	3	0	8	2	3	4
Livery		13	6	8	4	
	£6	13	4	£3	6	8

	Virger			Poor Men		
	£	s.	d.	£	s.	d.
Stipend	2	11	8	4	10	0
Commons	2	3	4	.....	
Livery		10	0	10	0	
	£5	5	0	£5	0	0

These exact amounts were paid to the several Ministers for above 150 years, *e.g.* to the Lay Clerks until 1808, when some "additional salary" was given to each; and to the Minor Canons until 1846, when they began to come under the Act which diminished their number and increased their stipends; see the note on Statute 21.

shillings and eight pence; to the Porter, three pounds sixteen shillings and eight pence; to the Butler, two pounds sixteen shillings and eight pence; to the Cook, one pound thirteen shillings and four pence; to each of the Choristers, fifteen shillings; to each of the six Poor Men, four pounds ten shillings; to the Sub-Cook, eighteen shillings and four pence; to the Vice-Dean, one pound six shillings and eight pence; to the Receiver, five pounds; to the Treasurer, one pound six shillings and eight pence; to the Precentor, one pound; to the Sacrist, one pound; to the Steward or Clerk of the Lands, one pound six shillings and eight pence; to the Auditor, two pounds thirteen shillings and four pence.

Of the Celebration of the Divine Services.

33. Also, in order that constant prayers and supplications may be unceasingly offered in our Church decently and in order, and that every day the praise of God may be celebrated with singing and rejoicing, we appoint and ordain, that the Minor Canons and Clerks, together with the Deacon and Sub-Deacon and the Master of the Choristers, shall daily perform the Divine Offices¹ in the Choir of

¹ The Divine Offices was the regular term for the stated Services of daily prayer, and was the equivalent in the first eight centuries for what was afterwards called The Canonical Hours. It was from the conception of prayer as a *duty* that it came to be called by the ancient writers *Officium*. The Divine Offices are distinguished from the Liturgy, so is the Breviary from the Missal. For reff. and for the bearing of these Offices on the daily services of the Church of England, see Arts. "Hours of Prayer" and "Office, the Divine," in *Dict. of Christian Antiquities*, ed. Smith and Cheetham, and *Breviary ad Usus Sarum*, ed. Procter and Wordsworth, vol. iii. p. xxvii. *sq.*; compare also Statute 23.

our Temple after the custom and rite of Paul's Church in London¹; but we are unwilling to oblige them to chant the Offices at night². We also ordain, that every day, on festivals as well as common days, the Mass of the Holy Ghost³ shall be celebrated in the Temple at six o'clock in the morning, in the place fixed for that purpose by the Dean. Further, on those days when a Sermon to the people is to be preached, we permit that those Offices which are commonly called Prime be only recited in the

¹ Hence it is clear that the Divine Offices were in accordance with the Use of Sarum. For we learn that, in the year 1414, Richard Clifford, then Bishop of London, by the consent of the Dean and Chapter of St Paul's, ordained that "the solemn celebration of Divine Service therein, which before that time had been according to a peculiar forme antiently used, and called *Usus Sancti Pauli*, should thenceforth be conformable to that of the Church of Salisbury."—Dugdale, *History of St Paul's Cathedrall*, 1658, p. 22. In other New Foundation Statutes, with the exception of Peterborough, which also follows St Paul's, the Offices are ordered to be "after the custom and rite of other Cathedral Churches."

² The Office of Matins was originally a nocturnal Service; it included the two distinct Offices of Nocturns and Lauds, the latter of which was supposed to begin at daybreak. These nocturnal Services, at one time common in the Church, gave rise to serious irregularities, and were generally discontinued. Before the Reformation the custom had become obsolete, even in most of the Monastic Societies of England, and the united Office, under the name of Matins, was repeated early in the morning. In a similar way, other of the Offices, The Seven Canonical Hours, which are set out in Statute 23, came to be grouped together and taken continuously, instead of at their proper hours. See in addition to the ref. in the note above, P. Freeman, *Principles of Divine Service*, i. p. 262 sq. and W. Palmer, *Origines Liturgicæ*, i. p. 202 sq.

³ "The Mass of the Holy Ghost" is given in the *Sarum Missal* among the Votive Masses; *Missa Votiva* meaning generally a Mass not of the day. According to the Sarum Use it does not seem to have been a daily Mass, but to have been used on certain special occasions and on the Wednesday of the week if vacant; see *Missale ad Usum Sarum*, ed. F. H. Dickinson, col. 735*.

Choir of our Church, but not chanted, if that shall seem expedient to the Dean, or (in his absence) to the Vice-Dean, so that both the Minor Canons and the rest of the Ministers of our Church may be present at the said Sermon, and may more attentively hear it. Moreover, we will, that on all the principal feasts¹, the Dean; and on all the greater double feasts the Vice-Dean, but on the other double feasts, the rest of the Canons, each in his order (unless he be legitimately hindered) shall officiate in celebrating the Divine Offices; the power, nevertheless, of solemnly celebrating the Divine Offices in the said Church being reserved to the Bishop of Carlisle as often as he shall wish. We also appoint, that none of the Canons or others ministering in the Choir at the time of the Divine Offices shall enter the Choir without the vestments suitable to the Choir. Moreover, we will, that the Teacher of the Grammar Boys on festival days, at the time of Matins, Procession, Mass, and Vespers², shall be present in the Choir in vestments suitable to the Choir; and he shall sit in the Choir above

¹ According to the Sarum Use, which would here be followed, Feasts were divided into Doubles, Simples, and Sundays; and the Doubles were subdivided into Principal, Greater, Minor, and Inferior. Doubles were so called because on those days the Antiphon, or Anthem, to the *Benedictus* at Lauds, and to the *Magnificat* at Vespers, was doubled, *i.e.* sung entire before the Canticle as it always was sung in full after; usually only the first few words, or opening clause, were recited before. It seems to be open to doubt whether the Antiphon to all the Psalms, as well as these Canticles, was not doubled on Double Festivals. The Principal Doubles, on which the Dean would officiate, were Christmas Day, the Epiphany, Easter Day, Ascension Day, Whitsun Day, the Assumption of the Blessed Virgin, the Anniversary of the Place and the Dedication Day of the Church. See the *Tabula de Festorum Divisione* in *Breviarium ad Usus Sarum*, ed. Procter and Wordsworth, vol. ii. col. 462, vol. iii. p. xli, Appendix I. p. xxxvi. In the York and Hereford Uses the days are somewhat different.

² For these Services see on Statute 23.

the Minor Canons¹. Moreover, we will and appoint, that as soon as we have passed away from this light, immediately, funeral obsequies shall be performed for our soul in our Church in Carlisle (all the Canons of our Church being summoned to them, and the other Ministers and the Poor Men); and that the day of our death shall be inscribed in the Statute Books, in order that upon such anniversary day for ever funeral obsequies², and on the morrow Masses, may be celebrated for us. Further, in order that the Divine Offices may be performed with both greater beauty and attendance, we altogether forbid and prohibit the Dean himself, or the Canons, from being a hindrance to any of the Minor Canons, or the Clerks, or lastly, any of the Ministers of our said Church, by imposing any duty on them, so that they may not fully discharge their offices, according to the prescript of our Statutes and everywhere diligently fulfil them all³.

¹ This did not give the Schoolmaster any *stallum in choro* such as the Dean and Canons hold (Statute 20), merely a seat above the Minor Canons, similar to his position at the Common Table. The Dean and Chapter might, or might not, assign a stall as the seat of any of them from time to time. Thus they assigned a stall to the Schoolmaster in September, 1712. A case came before the Law Courts in 1901, where the Master of the King's School at Chester, though carried on under a new Scheme, claimed a stall in the Choir of the Cathedral; but the point raised was the jurisdiction of the Bishop. In the case of the Carlisle School the new Scheme puts such a claim out of the question.

² For these Offices see in the *York and Sarum Manual* (Surtees Society), ed. W. G. Henderson, *Exsequiæ defunctorum*, p. 60; *Vigiliæ mortuorum*, p. 60*, and *Missæ pro defunctis*, p. 75*; also *Missale ad Usus Sarum*, ed. F. H. Dickinson, *Officium defunctorum*, Col. 860*. A good account of the obsequies which were performed, both in London and in the country, on the death of Henry VIII will be found in R. W. Dixon's *History of the Church of England*, vol. ii. p. 410 *sq.*

³ "The Services of the Cathedral," writes Bishop Westcott, "are

*Of the Common Treasury, of the Custody of the
Seal and Muniments.*

34. We appoint and will, that two chambers shall be assigned in our Church, one inner and more private, but the other outer, sufficiently large and annexed to the inner (if it can be done conveniently), which said chambers shall be called the *Ærarium* or Treasuries. In the outer chamber shall be deposited and arranged chests and boxes for keeping the writings; in which the Register Books and volumes of the accounts or the balance sheets of all the Officers, Ministers, and others, who are bound to render an account of any matter, must be safely placed and kept. Also, in the chests and boxes of this chamber, shall be placed the Court-rolls, separately and by themselves; also the written bonds of all, separately and by themselves; the books and volumes of rents, which are called Rentals, inventories of goods and lands, separately and by themselves. In this chamber let there be put one chest, well secured, for keeping the monies paid over to the Treasurer, which may be necessary for the daily expenses. In this chamber also, an audit shall be held, where altogether¹ the account and balance sheet of the Lessees, Bailiffs, Officers, and of any others whomsoever, must be investigated and

an element—a most important element—of Cathedral work. The Cathedral is a part, but it is not the dominating part of the Cathedral foundation....In the Cathedrals of the New Foundation, the Dean and Chapter, with whom rests the entire and joint responsibility for the due fulfilment of the objects of the foundation, are required to provide for the worshipping of God in their Church with hymns and psalms and continual prayers; but no part in this Service is assigned to them except that of ordinary attendance.”—*Cathedral Essays*, p. III.

¹ *omnino*. The more probable reading would seem to be *omnium*, “of all the lessees, &c.,” as in the Statutes of Bristol, Chester, and others of the same date.

examined. In the inner chamber, we will, that one chest, well secured, be placed and preserved ; in which said chest, let there be laid up and kept a sum of one hundred pounds, which we will to be collected out of those monies which remain clear and are over at the end of any year, so that at least that sum may always remain and be ready to be used for the necessities of our Church (if any such shall occur). In this chest, also, let there be kept one little chest, in which shall be enclosed and safely preserved the Common Seal¹ of our Church ; with which Common Seal, we command, that nothing shall ever be sealed, except what is previously written plainly and clearly in a certain Register, and with the same Register publicly compared and read through. But as often as the Seal shall be affixed to any writing, nothing more than thirteen shillings and four pence shall be demanded of any one for the sealing of that writing. In this chamber, also, we will that another chest be placed, in which let these our Statutes and Ordinances be placed, and the Letters Patent of the Foundation and the Endowment² of our Church, and other writings

¹ The Common Seal of the Dean and Chapter is $3\frac{1}{2}$ inches by 2, and bears the legend: SIGIL. DECANI ET CAP. ECCL. CAT'H. B.....V... CARLIOL. 1660, the words BEATÆ VIRG. having been partly erased, probably because the words were in error, giving the old title instead of SANCTÆ ET INDIVIDUÆ TRINITATIS. The Dean and Chapter had a seal prior to 1660, as there are records of many documents being sealed ; but it was probably lost in the time of the Commonwealth, and no impression has yet been found. An impression of the seal of the Priory is in the possession of the Corporation of Carlisle on a document dated 1484, and containing the name of Prior Thomas Gudybour.

² These are the Letters Patent, or Charters, of the Foundation or Erection and of the Endowment or Dotation of the Cathedral. They were granted respectively on May 8th and May 6th, 1541. The original of the latter with the Broad Seal attached is now in the "Chest" in the Chapter Office. The Foundation Charter declares the principles and

and muniments of the manors, lands and tenements. rents, possessions, liberties, and of the right which our Church in any manner may have in the same. Also each chest, and the little chest itself, shall have three locks¹, with the same number of keys, of different make; and the Dean shall keep one key of each chest and of the little chest, the Vice-Dean a second, and the Treasurer, or another chosen from the Canons for the purpose, the third. Let none of the chests nor the little chest be opened, unless all the guardians, or their deputies, are present and consenting. In fine, we prohibit any one person from keeping two keys with him at the same time. Also, as often as any of the key-keepers goes forth from our said Church, let him leave his key with some one of the Canons, not key-keepers, who remain at home.

Of the Account or Reckoning to be yearly rendered.

35. In the outer chamber of the Treasury, we will, that all the Bailiffs, Lessees, Officers, and Ministers, as well those without as those inside, within two months after the Feast of Michael, shall render an account and make an

objects of the foundation; the Endowment Charter sets out all its lands, properties, &c. A translation of the Foundation Charter is given in Appendix I. Other Latin copies are in the *Chapter Minutes*, vol. x. p. 23, and *Bishop Nicolson MSS.* vol. iii. p. 33; see also in the Record Office, *Patent Rolls*, 33 Henry VIII, pt. 9, m. 28. A copy of the Endowment Charter is given in the beginning of the MS. *Register of Wetherhal* known as Transcript A, No. 6 in the Chest.

¹ Such a "chest and little chest" the Dean and Chapter now possess, probably dating from the foundation in 1541. In the Inventory of 1571 is mentioned "one long chest with barres of yron"; and in 1666 the Dean and Chapter say they have "two several chests or coffers as is prescribed" (*Chapter Minutes*, viii. 476). See Appendix V for the present contents.

audit of all the things which belong to their office. Moreover, we appoint and ordain, that, at the same time, the Receiver and Treasurer shall, before the Dean and Canons present and the Auditor, render a full and faithful balance-sheet of all things which belong to their office, viz. what they have received, what they have spent, what remains over, what the Church owes and what is owed to the Church. Lastly, let all the indentures of the goods of the Church, which are in use, be shewn and renewed, that in all things the state and condition of our Church may be evident to the Dean, or (in his absence) to the Vice-Dean, and the Canons.

Of Correcting Excesses.

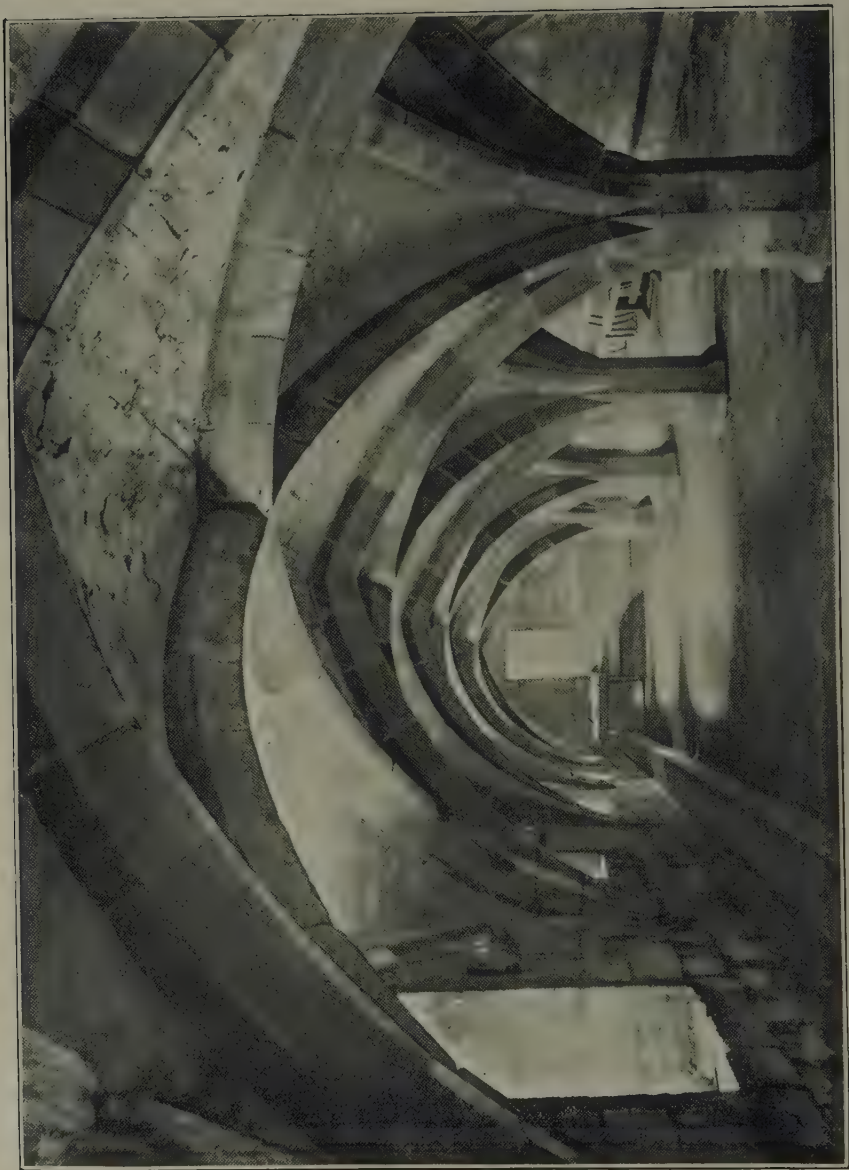
36. In order that integrity of morals may be preserved in our Church, we appoint and will, that if any of the Minor Canons, Clerks, or other Ministers shall have fallen into a light fault, he shall be corrected at the discretion of the Dean, or (in his absence) of the Vice-Dean; but if there shall have been a more grave offence, if it shall be judged to be just, let him be expelled by those who admitted him¹. Also, if any one of the Canons shall have been found guilty of any offence or crime, whereby grave scandal may arise to our Church, let him be admonished by the Dean, or (in his absence) by the Vice-Dean; but if, having been admonished a third time, he shall not have amended,

¹ On the full power of the Dean and Chapter to dismiss the officers of the Cathedral, subject to an appeal to the Visitor, see the cases cited in Phillimore, *Eccles. Law*, ed. 2, p. 155 *sq.* This Statute was much discussed in the appeal to the Visitor, Rev. T. G. Livingston *v.* D. and C. of Carlisle in 1858; a report of the proceedings was published by C. Thurman & Sons, Carlisle.

let him be accused before the Bishop, his Visitor, and be corrected according to his judgment. But the correction of the Poor Men (as often as they shall have offended) we reserve to the judgment of the Dean, or (in his absence) of the Vice-Dean; if they remain incorrigible, by the Dean and Chapter, or (in his absence) by the Vice-Dean and Chapter, let them be expelled from our Church and lose all emolument therein.

Of the Alms.

37. Besides our alms bestowed upon those six Poor Men, we have given also an annual sum of thirty pounds to our Church for the relief of the poor and needy and for the mending of the public ways. Of which said sum, we will, that the half shall be distributed, partly by the Dean or the Receiver, when he goes round and visits the Lands, Manors, and impropriated Churches, at which Churches it shall be distributed to the needy according to their necessity, lest they hence appear to reap all things and to sow nothing; but the aforesaid sum shall partly be dispensed by the Dean and the Treasurer to the poor and needy near our Church, the account of which distributions shall be particularly shewn at the general audit. Whether this money has been faithfully dispensed, the Bishop shall consider at his Visitation. The other sum, viz. of fifteen pounds, we have assigned for the repairing and constructing of bridges and public ways, according to the judgment of the Dean and Chapter, or (in the absence of the Dean) of the Vice-Dean and Chapter; and that this is faithfully performed, the Bishop shall seriously take care in his Visitation.



Of Holding Chapters.

38. We appoint and will, that the Dean, or (in his absence) the Vice-Dean, with all the Canons present at home (all of whom we will to assemble on the notice of the Dean, or of the Vice-Dean) shall, once at least every fortnight, and besides as often as the advantage or condition of the Church shall demand, hold a Chapter in the Chapter House¹, and there piously and prudently treat

¹ The Chapter House was an octagonal building about twenty-eight feet across, entered from the ambulatory under the dormitory, and was situated a little to the south-east of the present main, or south, entrance to the Cathedral; the remains of one angle may still be traced. The following entry was made in the *Chapter Minutes* on December 15th, 1668: "Whereas the Fabrick anciently designed and used for the Chapter House of the Dean & Chapter of the Cathedrall Church of the holy and indivisible Trinity of Carlisle hath been utterly ruined in the late times of troubles; and there hath not hitherto been found a place fitting for that purpose; we the Dean & Chapter of the Cathedrall Church abovesaid doe order and appoint that some part of the uppermost room in the New Fraternity within our College be henceforth sett apart and used for our Chapter House, till there shall be provided a more convenient place for that purpose." The New Fraternity was evidently the upper part of the building erected, or re-erected, over the ancient Crypt at the end of the 15th century; see on Statute 30, page 68. It is mentioned again at an earlier period in a Minute of November 23rd, 1643: "Whereas the Petti Canons have committed a strange insolencie in houseing their corne in the new fraterie, contrary to the intentions and purposes of the pious and royall founder of that magnificent structure, for the chastening of the present offenders and for preventing the like offense and insolency to be done hereafter, we doe order and award that everie of the said offenders shall have a pecuniarie mulct of fiftie shillings to be subtracted out of everie of their next yeare wages. And this to be bestowed in publik reparacone *ad voluntatem Decani et Capit.*" The Crypt was called the Low Fraternity as appears from the following Minute: "Ordered by the Dean and Chapter abovesaid that a convenient meal garner be made in the Low Fraternity for the farmers of our tithe meale from the first row of pillars

of the business of our Church. We will also, that every year two General Chapters shall be held, one, viz. on the twenty-third of November, but the other, on the day before that of John the Baptist¹. In which said Chapters, whatsoever things shall be decreed and appointed by the Dean and Canons present to the honour and advantage of our Church, in no sense repugnant to these our Statutes, we will to be observed by all persons of our Church, so far as they concern them².

there to the north wall, and that a doore be broken forthe in some part of the said walls and stepps made to goe into the same and the farmers are to be at the charges of making arks or other convenient places for putting their meal in. Witsesse our hands, May 17th, 1684."

¹ The principal Chapter was, of course, on November 23rd, when the office-bearers were elected, and the absence from which entailed a heavy fine; see Statute 17. Moreover, it was formerly the practice, *e.g.* in 1577 and 1578, to elect annually, besides those named in the Statute, the Precentor, the Sacrist and the Seneschal or Steward; see the *Chapter Registers*, vol. ii. p. 149 *sq.* On one occasion this Chapter was omitted, and the following appears in the *Chapter Minutes* (vol. xi. p. 488): "Act instead of November Chapter, 1745—Be it remembered that no Chapter could be held on the 23rd day of November, 1745, according to the Statutes of the Church, the unhappy place being then in the possession of the abettors of a wicked and unnatural Rebellion in favour of a popish Pretender."

² This power of making by-laws for the better regulation of their body, the Dean and Chapter have in common with other corporations aggregate. "A corporation aggregate may make by-laws or private Statutes for its own better government, and they are binding on the members, unless contrary to the law of the land or contrary to or inconsistent with their Charter or manifestly unreasonable."—H. J. Stephen (quoting Blackstone), *Commentaries on the Laws of England*, ed. 7, vol. iv. p. 12. These by-laws, or orders, made by the majority of the Chapter are therefore binding on the minority (if any) and on the other persons belonging to the Cathedral Church so long as they are not contrary to the Statutes of the Cathedral or the Statutes of the Realm—a very wide exception; see also on Statute 6, page 30.

Of the Visitation of the Church.

39. No work is so piously begun, so prosperously carried on, so faithfully consummated, which by the carelessness and negligence of men is not easily shaken and overturned ; no Statutes are framed so sacred and strong, but that, in course of time, they fall into oblivion and contempt, if there be not present continual vigilance and the zeal for piety. That this indeed may never come to pass, or possibly happen, in our Church, we, relying on the faith and diligence of the Bishop of Carlisle, besides his Ordinary and Episcopal power, which belongs to him by the ecclesiastical laws of our Realm (as Pastor and Bishop of the said Church), by the power of the present Statute, do appoint him also Visitor of our Cathedral Church of Carlisle ; willing and commanding, that, for the sake of the Christian faith and the ardent zeal for piety, he shall watch and take care, that these Statutes and Ordinances of our Church, put forth by us, be inviolably observed, that the possessions and goods, both spiritual and temporal, flourish in a prosperous state ; that the rights, liberties, and privileges, be preserved and defended. And in order that these things may be so, we appoint and will, that the Bishop himself, as often as he shall be asked by the Dean or by two Canons, yea, even if not asked, yet once in every three years¹, shall go in his own person to our

¹ The first Visitation under these Statutes, of which we have any record, was held by Bishop Barnes, October 26th, 1571. This Bishop was translated to Durham in 1577, and also visited the Cathedral there. No Articles of Inquiry or Replies are recorded ; but Injunctions were issued. One of these Injunctions is set out, from which it appears that certain of the Minor Canons, whose names are given, were suspected of papism. They are consequently ordered to recite, on certain specified days, in an audible voice, in S. Mary's Church, Carlisle, at

Church (unless some great necessity shall prevent, otherwise by his Chancellor). The Dean, Canons, Minor Canons, Clerks, and all the rest of the Ministers of our Church, he shall summon together into a convenient place. To which said Bishop, by virtue of the present Statute, we concede full power and authority to interrogate the Dean, Canons, Minor Canons, and the rest of the Ministers, upon the several articles contained in our Statutes, and concerning any other articles whatsoever which relate to the state, advantage, and honour of our Church; and to compel any of them, by the oath taken to the Church, to speak the truth concerning all faults and crimes whatsoever; also, these being ascertained and proved, let him punish and reform, according to the measure of the fault and crime, and let him do all things which shall seem necessary to the cutting off of vices, and which are recognized to belong by right to the office of Visitor. All of whom, as well the Dean as the Canons and other Ministers of our Church (so

the time of Divine Service, immediately after the Apostles' Creed, the English Confession entitled "A Declaration of certain principal Articles of Religion"; and this, under pain of deprivation or expulsion; see on Statute 14 note 2, also *Bp. Nicolson's MSS.* vol. iii. p. 49. A Visitation was held in 1663 by Bishop Sterne, see the *MS. Register of Bp. Sterne*, p. 321. Bishop Rainbow visited in 1666. The Articles of Inquiry are given, also the Replies and Injunctions, in the *Chapter Minute Books* (vol. viii. p. 468 *sq.*). They are very full, and possess considerable interest as referring to a time so closely following the Revolution. Another Visitation was held by the same Bishop in 1670. See also the *MS. Register of Bishop Rainbow*, pp. 504, 555. Samuel Harsnett, Archbishop of York, made a metropolitical Visitation of the Cathedral in 1630; Archbishop Richard Neile in 1633 (*Chapter Minutes*, vol. vi. pp. 599, 597); and Archbishop John Sharpe in 1693. Visitations were held by Bishop Nicolson in 1707, 1710, 1713, and 1716 on the occurrences referred to at page 9 and Bishop Osbaldiston in 1753 on those referred to at page 12. After that date there appears to have been no Visitation until the one held by Bishop Harvey Goodwin in 1872.

far as concerns all the premises) we will and command to be subject to and to obey the said Bishop. But we ordain, in virtue of the oath taken to our Church, that no one shall say or declare anything against the Dean, or the Canons, or any of the Ministers of our Church, except what he shall believe to be true, or concerning which a public saying and report shall have been circulated.

Moreover, we will, that the Dean, at the common charges of our Church, do prepare and set before the Bishop visiting, attended by ten persons, one or at most two repasts within the buildings of our Church. And further, since we desire these our Statutes to last for ever, as often as any ambiguity or dissension shall arise between the Dean and the Canons, or between the Canons themselves, concerning the true and genuine meaning of our Statutes, all of which we will to be understood according to the plain and grammatical sense, we decree, that such Statute, or any clause of a Statute, concerning which contention has arisen, shall be referred to the Bishop of Carlisle, whose interpretation and declaration¹ (provided that it be not repugnant to our Statutes) we command those who have doubted and contended, without delay or contradiction, to stand by and obey. Nevertheless, we prohibit the Visitor or Declarer of the Statutes, and all others of whatever dignity and authority they may be, from framing any new Statute contrary to these our Statutes, or from dispensing with any of these. Also, we prohibit the Dean and the Canons of our Church from receiving Statutes of this sort framed

¹ The Interpreter of the Statutes seems to have varied curiously in different Cathedrals of the New Foundation. Thus at Carlisle, it was the Bishop; at Chester, the Archbishop of York; at Peterborough, the Chancellor of England; at Bristol, Rochester, Worcester, and Ely, the Archbishop of Canterbury; yet in all these the Bishop was the Visitor.

by others, on pain of perpetual expulsion from our Church. We reserve, nevertheless, to ourselves and to our Successors full power and authority to change these Statutes, to alter and to dispense with them, and (if it shall seem good) even to frame new ones.

Of Prayers to be said in the Church.

40. We appoint and ordain, that each day, while we remain in this life, at the end of Mass, these prayers following shall be said for us, our wife, and our son, to wit, Deus in cujus manu sunt corda regum, &c.; Suscipe, quæsumus, Domine, &c.; Præsta, quæsumus, &c.¹ For the souls of our most potent father, King Henry the Seventh, and our most noble mother Queen Elizabeth, and our late very dear wife Jane, let these prayers be said, namely, Deus, cui proprium, &c.; Intuere, quæsumus, &c.; Prosit, quæsumus, Domine, &c.²

Prayers to be said in the Morning by all in our Church whilst rising.

Libera nos, salva nos, &c.³, with the prayer, Omnipotens sempiterne Deus, &c., with the Psalm, De Profundis, and the Suffrages following.

¹ These three prayers are taken from the *Memoriæ Communes pro Rege et Regina* in the Sarum Missal; see *Missale ad Usum Sarum*, ed. F. H. Dickinson, col. 828*. Prayers for the King, or for the King and Queen, appear in many editions of the Sarum Missal at the end of Mass (*in summa Missæ*), or of the Ordinary of the Mass; see *Missale, ut sup.*, p. liv, and W. Maskell, *Ancient Liturgy of Church of England*, ed. 3, p. 121. The prayers referred to in this Statute are given in full in Appendix VI.

² These prayers are from the *Officium defunctorum*, *Missale ad Usum Sarum*, coll. 869*, 870*.

³ This is the Antiphon in the Second Nocturn in the Feast of the

*Prayers to be said in the Evening by all in our
Church.*

Let those about to go to bed say the hymn, *Salvator Mundi Domine*, &c.¹, with the Psalm, *De Profundis*, and the Suffrages following.

Prayers to be said in the School in the Morning.

At six o'clock in the morning the Teacher of the Boys, having gone into the School, shall say, alternately, with all the pupils of the School, the Psalm, *Domine in virtute tuâ lætabitur*, &c.², *Kyrie eleeson*, *Christe eleeson*, *Kyrie eleeson*; *Pater Noster*, &c.; *Ostende nobis Domine*, &c.;

Holy Trinity in the Sarum Breviary—“*Libera nos, salva nos, justifica nos, O beata Trinitas*”; see *Breviarium ad Usum Sarum*, ed. Procter and Wordsworth, vol. i. col. mxlix. It should be noted that this was to be said every morning by all in a Church which had been newly dedicated to the Holy and Undivided Trinity. The Prayer following—*Omnipotens sempiterne Deus*—is from the *Preces ad Primam*, *Brev. Sarum*, ii. col. 55. The Psalm *De Profundis* is Psalm cxxx. (Vulgate, cxxix.). “The Suffrages following” are also *ad Primam* (ii. col. 56), beginning *Ostende nobis Domine*; they immediately follow the Lord’s Prayer, but are preceded by the prayer above named.

¹ This beautiful Latin hymn appears to be peculiar to the old English Service Books. It was sung at Compline daily during certain periods of the year, and on most of the Doubles, and on certain specified days. It will be found in Appendix VI. with the Prayers in full; also in the *Breviarium ad Usum Sarum*, *Completorium* ii. vol. ii. col. 226, and in Daniel, *Thesaurus Hymnologicus*, iv. 209; there is a translation by J. D. Chambers in his *Sarum Psalter*, and one by J. W. Copeland in *Hymns Ancient and Modern*, No. 63. The “Suffrages following” are the Suffrages at Compline beginning: *Deus tu conversus vivificabis nos*, &c.; see *Breviarium, ut sup.*, vol. ii. col. 239.

² Psalm xxi. (Vulgate xx.).

Salvum fac regem, &c.; Nihil proficiat inimicus, &c.¹; Quæsumus, Omnipotens Deus, &c.; Actiones nostras quæsumus, Domine, &c.²

Prayers to be said in the School in the Evening.

At five o'clock, when the Scholars are about to leave the School, let them say, alternately, the Psalm, Ecce nunc benedicite Domino, &c.³; Kyrie eleeson, Christe, Kyrie; Pater Noster, &c.; Exurge Domine, et adjuva nos; Domine Deus virtutum, &c., with the prayer, Illumina quæsumus Domine, tenebras, &c.⁴.

The Prayers of the Poor Men.

Let the Poor Men, who are maintained at the expense of our Church, say daily, morning, evening, and midday, the Lord's Prayer, the Angelic Salutation⁵, the Apostles'

¹ These three petitions, taken from the *Preces ad Primam* and *Preces FERIALES* (*Breviarium ad Usus Sarum*, vol. ii. coll. 53, 89, 56), are given in full in Appendix VI.

² The former of these two prayers—*Quæsumus, Omnipotens Deus, &c.*—is the Collect for Passion Sunday, and the latter—*Actiones nostras quæsumus, &c.*—is taken from the conclusion of the Canon of the Mass (*Missale Sarum*, coll. 235, 630, *Breviarium Sarum*, ii. col. 500). Translations appear in the Book of Common Prayer in the Collect for the 5th Sunday in Lent, and the first Collect after the Communion Service.

³ Psalm cxxxiv. (Vulgate cxxxiii.).

⁴ These two petitions and the prayer following occur at the end of Compline in the Sarum Offices; see *Breviarium Sarum*, ii. col. 240. A translation of the prayer is the Collect for Aid against All Perils in our own Evening Service.

⁵ The Ave Maria was not introduced into England until 1237, and in the Sarum Books was confined to the words of Holy Scripture. The appeal to the Blessed Virgin, as in the modern last clause (*Sancta Maria mater Dei, ora pro nobis peccatoribus nunc et in hora mortis*), does not occur in any of the ante-Reformation editions except in Chevallon's edition of the *Breviary*, Paris, 1531.

Creed, God's Commandments, and these too in English, with this prayer, rendered into English, *Quæsumus, Omnipotens Deus, &c.*¹

And we, Nicholas of Worcester and George of Chichester², by the command and in the name of our most dread Lord and King, do deliver and give unto you the Dean, Canons, and all others the Ministers of our said Church of the Holy Trinity of Carlisle, these Statutes, to be observed diligently and in good faith, in the year, of the same Lord King Henry the Eighth, by the grace of God of England, France, and Ireland, King, Defender of the Faith, and upon earth of the Church of England and Ireland, Supreme Head, the thirty-seventh, and on the sixth day of the month of June³.

NICOLAUS WIGORNIENSIS.
GEORGIUS CICESTRENSIS.

¹ This is the same prayer as that for the School in the morning (see the note above), only it is to be said in English.

² These two Commissioners were Nicholas Heath, Bishop of Worcester, and George Day, Bishop of Chichester. In giving over the Statutes to some of the other Cathedrals, Richard Cox, Archdeacon of Ely, made Bishop of Ely in 1559, had been associated with them.

³ This was June 6th, 1545, and Henry VIII died in the beginning of the year 1547, on January 28th.

APPENDIX I.

THE CHARTER OF FOUNDATION
OF THE DEAN AND CHAPTER OF CARLISLE
(PATENT ROLLS 33 HENRY VIII, PT. 9 M. 28).
[TRANSLATION.]

The King to all unto whom, &c.,

Greeting :—

WHEREAS, lately, a certain Community or House of Regular Canons¹, which, while it existed, was commonly called the Priory or House of Regular Canons of the Blessed Virgin Mary of Carlisle, together with all and singular its Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Endowments, and Possessions, has now been given and conceded, for certain special and urgent causes, to us and our heirs for ever, by Lancelot, Prior of the said late Community or House of Regular Canons and by the Convent of the same place, according as, by a deed of the said Prior and Convent, sealed with their Common or Conventual Seal, and enrolled in our Chancery, is clearly evident, by reason of which, of the site, enclosure and precinct of the same late Community or House of Regular

¹ The Charters of the other Cathedrals of the New Foundation, except Bristol, have "Monastery" here in place of "House of Regular Canons."

Canons, and of all and singular the aforesaid Lordships, Messuages, Lands, Tenements, Hereditaments, Endowments, and Possessions of the late Priory and Convent, we by full right are now seised in our Lordship as in fee. And that, standing seised of the same, and divine clemency inspiring us, in truth seeking nothing more than that true religion and the true worship of God therein should not only not be abolished, but rather be completely restored and reformed to the primitive or genuine rule of uprightness, and the enormities being corrected into which the life and profession of the Regular Canons by long lapse of time had deplorably wandered, We have endeavoured, so far as human infirmity can look forward, that for the future, there the documents of sacred eloquence and the Sacraments of our saving redemption shall be purely administered, the discipline of good morals be rightly observed, youth be liberally instructed in learning, old age, having lost its powers, especially in the case of those who either about our person or otherwise about the business of our Realm have publicly, well, and faithfully served us, shall be worthily cherished with the necessities of life, finally, that distributions of alms to Christ's poor, and repairs of roads and of bridges, and other the duties of every kind of piety, abounding in all neighbouring places far and wide, shall thence flow to the glory of Almighty God and to the common benefit and happiness of our subjects.

Wherefore, we have decreed, that, within the fore-mentioned site, enclosure, circuit, extent and precinct of the said late Community or House of Regular Canons, a certain Cathedral Church of one Presbyter Dean and four Presbyter Prebendaries, there to serve Almighty God altogether and for ever, shall be created, erected, founded

and established to the glory and honour of the Holy and Undivided Trinity, Father, Son, and Holy Ghost. And the same Cathedral Church of one Presbyter Dean and four Presbyter Prebendaries, with the other Ministers necessary for divine worship, by the tenour of these presents, we do really and to the full create, erect, found and establish, and do order by these presents to be established and to be inviolably observed for ever.

We will, therefore, and by these presents we ordain, that the Cathedral Church aforesaid is, and shall be for ever, the Cathedral Church of the Holy and Undivided Trinity of Carlisle, and of the Episcopal See of the Reverend Father in Christ Robert Aldridge¹, by Divine permission Bishop of Carlisle, and of his successors, the Bishops of Carlisle; and the same Cathedral Church of the Holy and Undivided Trinity, we by these presents do furnish with the honours and distinctions of an Episcopal See and Cathedral Church, and the same Episcopal See, within the site and precinct of the said late Community or House, to the aforesaid Bishop, and to his successors the Bishops of Carlisle, we do give and concede by these presents to be had and enjoyed by the same Bishop and by his successors for ever.

And, in order that the aforesaid Cathedral Church may be filled and furnished with persons suitable in their several places and grades, we, by the tenour of these presents, do make, bring to pass, and appoint, and by these presents do ordain our well-beloved Lancelot Salkeld the first original, and modern Dean of the aforesaid Cathedral Church, and William Florens, first Presbyter Prebendary, and Edward Loshe, second Presbyter Prebendary, and

¹ Robert Aldridge, or Aldrich, was consecrated Bishop of Carlisle in 1537, and died at Horncastle in 1555.

Barnabas Kirkbride, third Presbyter Prebendary, and Richard Brandeling, fourth Presbyter Prebendary. Also, we will, and ordain, and concede to the same Dean and Prebendaries, by these presents, that the aforesaid Dean and four Prebendaries be for the future of themselves, in fact and in name, one corporate body, and have a perpetual succession, and shall conduct, exhibit, and occupy themselves by and in accordance with the ordinances, rules and statutes hereafter to be framed, specified and declared for them by us in a certain indenture¹. And likewise, that the Dean and Prebendaries and their successors shall for ever be called, and in this present are called and styled, the Dean and Chapter of the Cathedral Church; and, that the aforesaid Dean and Prebendaries of the aforesaid Cathedral Church and their successors are, and for ever shall be, the Chapter of the Bishopric of Carlisle, and the same Chapter is annexed, incorporated, and united to the aforesaid Robert, now Bishop of Carlisle, and to his successors, the Bishops of Carlisle, for all future times. And the Dean and Prebendaries themselves, we do make, create, and establish as one corporate body, in fact and in name, and we do make, declare, ordain, and accept them for one body, and that they have a perpetual succession. And, that they, the Dean and Chapter, and their successors, by the name of the Dean and Chapter of the Cathedral Church of the Holy and Undivided Trinity of Carlisle, may prosecute, claim, and plead and be impleaded, and defend and be defended, answer and be answered, in any Courts and Places whatsoever of our Laws and elsewhere soever, in or upon all and singular causes, actions, suits, demands, briefs, and complaints, real, special, Ecclesiastical, personal, and in regard to and in all other things, causes and matters

¹ Quoted at page 5.

whatsoever, And, by the same name, the Manors, Lordships, Lands, Tenements, Possessions and Hereditaments, profits and emoluments, as well Spiritual or Ecclesiastical as Temporal, and any other whatsoever, by us, by our Letters Patent, or those of our heirs and successors, or by any other person or persons whatsoever, given or conceded to them and their successors, or otherwise, in accordance with our laws or those of our heirs or successors, they may, and have power to, receive, take possession of and acquire, to give, alienate, and demise; and generally, all things and singular they may, and have power to, receive, take possession of and acquire, to give, alienate and demise, and to do and execute, just as the other Cathedral Churches within our Realm of England, or any of them, have been accustomed to receive, take possession of, acquire, give, alienate and demise, and to do, or are able to execute in any way whatsoever.

And, that the Dean and Chapter of the Cathedral Church of the Holy and Undivided Trinity of Carlisle aforesaid, and their successors for ever, may and shall have a Common Seal for sealing every kind of causes¹, evidences, and other their writings and deeds made in respect to them or the Cathedral Church of the Holy and Undivided Trinity of Carlisle aforesaid, or in any way touching or concerning the Bishopric there, by which they may, and shall have power to, bind and oblige themselves and their successors, for a time or for ever, by and in accordance with the tenour of the same writing so sealed by them.

And, because we will the said Cathedral Church of the Holy and Undivided Trinity of Carlisle to be honourably endowed and enlarged to the praise and honour of Almighty

¹ *causas* should probably be *cartas*, as in the Charters of other Cathedrals.

God, by our grace we have given and conceded, and by these presents we give and concede, to the aforesaid Dean and Chapter of the aforesaid Cathedral Church the whole of the aforesaid site, enclosure, circuit, extent, and precinct of the aforesaid late Community, or Priory, or House of Regular Canons of the Blessed Virgin Mary, with all the ancient privileges, liberties, and free customs of the same late Community or House of Regular Canons, and the whole Church therein, together with all Chapels, leads, bells, belfries, cloisters, cemeteries, messuages, houses, buildings, curtilages, gardens, flower gardens, orchards, pools, preserves, and all other places, lands, and territories existing within the same site, enclosure, circuit, extent, and precinct of the aforesaid late Community, Priory, or House of Regular Canons; And, the part, parts, or portions of the same late site of the Community or House of Regular Canons, which have been commonly reputed or reckoned, which of late have belonged to the aforesaid late Prior and Convent in right of the late Priory or House of Regular Canons aforesaid, together with all and every kind of vessels, jewels, ornaments, goods, chattels, and implements of the same late Community or House of Regular Canons, To Have, To Hold, and To Enjoy the aforesaid site, enclosure, circuit, extent, and precinct of the abovenamed House of Regular Canons, together with all the ancient privileges, liberties, and free customs abovenamed, and with the aforesaid Church, Chapels, belfries, bells, cloisters, cemeteries, messuages, houses, buildings, curtilages, gardens, flower gardens, orchards, pools, preserves, land and territories, within the said site, enclosure, circuit, extent, and precinct of the said late Community or House of Regular Canons, together with the aforesaid vessels, jewels, ornaments, goods, chattels, implements of the same late Community or House of

Regular Canons, and with all and singular the rest of the premises above specified with the things pertaining to them, To the aforesaid Dean and Chapter of the Cathedral Church of the Holy and Undivided Trinity of Carlisle aforesaid, and to their successors for ever, from Us, our Heirs and Successors, for a free, clear, and perpetual alms.

We will also, and by these presents we concede, to the aforesaid Dean and Chapter of the said Cathedral Church of the Holy and Undivided Trinity of Carlisle, and to their successors, that the Dean of that Cathedral Church for the time being shall make, appoint, admit and accept from time to time, for ever, all and singular the inferior Officers and Ministers of the same Cathedral Church, and any other persons whomsoever of the aforesaid Cathedral Church of the Holy and Undivided Trinity of Carlisle, just as cause and circumstances shall require ; And them, or any of them, so admitted, he may, and shall have power, for a legitimate cause, to correct, dispose, and even to remove and expel from the same Cathedral Church¹, without detriment to Us, our Heirs and Successors, in the title, right, and authority of nominating, assigning, and appointing from time to time the Deans, Prebendaries, and all the Poor Men living there of our liberality, however and as often as the aforesaid Cathedral Church shall happen by death or otherwise to be without the Dean, Prebendaries, or Poor Men aforesaid, or any one of them, anything in these present writings thence notwithstanding. We will also, and by these presents we concede, to the aforesaid Dean and Chapter of the Cathedral Church of the Holy and Undivided Trinity aforesaid, that they, for themselves and their successors, may and shall have these our Letters Patent, under our

¹ This is the clause referred to at page 7, and relied on by Dean Atterbury.

Great Seal of England, made and sealed in due form, without any fine or fee, great or small, to be rendered, paid, or made in any way to us in our Exchequer, or elsewhere, for our use therefrom, because express mention, &c. In witness whereof, &c. . . . at Westminster, on the eighth day of May, in the year of the reign of King Henry the Eighth, the thirty-third.

APPENDIX II.

ACT 6 ANNE, CAP. 21.

AN Act for the Avoiding of Doubts and Questions touching the Statutes of divers Cathedral and Collegiate Churches.

I. Whereas several Doubts and Questions have arisen, and may hereafter arise, in Relation to the Validity and Form of the Statutes of divers Cathedral and Collegiate Churches, founded by King Henry the Eighth, of famous Memory, which Doubts have been occasioned, partly by a temporary Act of Parliament made in the first year of the Reign of Queen Mary the First, in Relation to such Statutes made by the said late King Henry the Eighth, and in order to defeat the true and pious Ends and Designs of the said Foundations, and partly by Reason of the known Loss of many Records and Evidences during the late Rebellion in this Kingdom: And whereas the said Doubts and Disputes may in time not only turn to the great Disquiet and Prejudice of the said Foundations, but may prove a manifest Obstruction to the Peace, Order, good Government and Discipline of the Church, unless some speedy and effectual Remedy be provided; Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advise and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by the Authority of the same, That in all Cathedral and Collegiate Churches,

founded by the said King Henry the Eighth, such Statutes as have been usually received and practised in the Government of the same respectively, since the late happy Restoration of King Charles the Second, and to the Observance whereof the Deans and Prebendaries, and other Members of the said Churches, from the said time have used to be sworn at their Installments or Admissions, shall be, and shall be taken and adjudged to be, good and valid in Law, and shall be and be taken and adjudged to be the Statutes of the said Churches respectively; nevertheless so far forth only as the same, or any of them are in no Manner repugnant to, or inconsistent with the Constitution of the Church of *England* as the same is now by Law established or the Laws of the Land.

II. Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall at any Time hereafter, be liable to any Prosecution, Censure or Punishment whatsoever for not having observed any of the Statutes hereby ratified and confirmed, or for having done anything contrary to the same, on or before the ninth Day of *March* one thousand seven hundred and seven; anything herein contained to the contrary notwithstanding.

III. Provided always, and be it enacted, That it shall and may be lawful for her Majesty, during her Life (which God long preserve) from time to time to alter, amend, correct, revoke, diminish or enlarge the said Statutes, or any of them, and to make new Statutes for the said Cathedral and Collegiate Churches, and for resuming or settling the local Visitation of them, or any of them, in such Manner, from time to time, as to her Majesty shall seem meet.

APPENDIX III.

CLASSIFICATION OF CATHEDRAL CHURCHES.

(Taken from the Appendix to the First Report of
the Cathedral Commissioners, 1852, except
the passages in brackets.)

I. Cathedral Churches of the Old Foundation.
Ecclesiæ Cathedrales Canoniorum Secularium.

A.—In Wales.

S. ASAPH.	S. DAVID'S.	} 4
BANGOR.	LLANDAFF.	

Very ancient Churches, but imperfect in constitution.

B.—In England.

YORK.	EXETER.	LINCOLN.	} 9
S. PAUL'S.	HEREFORD.	SALISBURY.	
CHICHESTER.	LICHFIELD.	WELLS.	

Churches constituted with Dean and Canons either before
or soon after the Norman Conquest.

II. Cathedral Churches of the New Foundation.

A.—Conventual Cathedrals.

CANTERBURY.	NORWICH.	} 8
DURHAM.	ROCHESTER.	
CARLISLE.	WINCHESTER.	
ELY.	WORCESTER.	

The Bishoprics very ancient, except Carlisle and Ely, founded in Henry I's reign. Most of these Churches had Canons at first, replaced by Prior and Monks, who formed the Bishop's Chapter till the reign of King Henry VIII.

B.—Cathedral Churches erected, out of ancient Monasteries, together with new Bishoprics, by King Henry VIII.

BRISTOL.	OXFORD.	} 5
CHESTER.	PETERBOROUGH.	
GLOUCESTER.		

III. Cathedral Churches formed out of Collegiate Churches by recent Acts of Parliament.

RIPON.	{ 6 & 7 Will. IV, c. 77 }	} 2
MANCHESTER.		
		and 3 & 4 Vict., c. 113 }

—
28
—

By the Act 6 and 7 Will. IV, c. 77, the Sees of Bristol and Gloucester were united, and the election of the Bishop vested in the two Chapters alternately.

[The Bishopric of Bristol Act, 1884 (47 & 48 Vict. c. 66) provided for the severance of the Sees of Gloucester and Bristol if funds should be forthcoming. A further Act was passed in 1894; the severance took place, and Bishop Forrest Browne became Bishop of Bristol in 1897.]

The Bishopric of Sodor and Man has no Chapter. [The Act 6 & 7 William IV, c. 77, united the See of Sodor and Man to the See of Carlisle, but this was annulled by 1 Vict. c. 30.]

The Bishopric of St Albans was founded in 1877 under a special Act passed in 1875, but it has no Chapter.

The See of Truro was founded in 1877 under the Bishopric of Truro Act 1876; and two subsequent Acts

in 1878 and 1887 made provision for the creation of a Chapter.

In 1878 an Act was passed (41 & 42 Vict. c. 68) making provision for the founding of four new bishoprics, when funds should be forthcoming. In consequence, Liverpool was founded in 1880, Newcastle in 1882, Southwell in 1884, and Wakefield in 1888.

Liverpool and Newcastle have obtained further Acts, making provision for the creation of a Dean and Chapter.]

APPENDIX IV.

INVENTORIES.

CATHEDRAL INVENTORY, 1571.

THIS Inventory maid the xxth day of November, 1571, and in the xiiiith yeare of the reigne of our Sovrayne Lady Elizabeth, by the grace of God Queene of England France and Ireland, Defender of the Faith, &c. Of all and singular the plaite jewells ornaments and other implements remaining as well within the Cathedrall Church of the holy and indivisible Trinity in Carlisle and houses of offyce belonging the same as also the lodgings and chambers belonging to busshop deane and prebendaryes within the Precinct and Close of the said Cathedrall Church and to remaine as standards to them and their successors.

Within the Cathedrall Church

- | | |
|----------|---|
| Imprimis | one Communyon cupp of sylver
with a cover weeing xx ounces |
| Item | ij quisschyons of cloth of tyssue
shaddowed with blew |
| Item | a Cope of blew damask
orphar'd (orphrayed) with ymages |
| Item | one Communyon table cloth of tyssue |
| Item | a Cope of cloth of tyssue |
| Item | ij quisschyons of velvet with starres |
| Item | one read taferty cloth with
scallops and bosses |
| Item | one table cloth of doskett (grey)
coolour with gryffyns |

Item	one other peare of the same coolour
Item	two folding stules of yron
Item	one cloth of dyuper
Item	two cloths of lynnan
	} for the Communyon table
Item	one gret presse and one lesser Cubburde
Item	ij presses and one Cubburd
Item	one rede sylk cloth with ymage of the Appostles
Item	one other old read sylk cloth of the same length
Item	one brassen Lecterne
Item	one pair of organnes
Item	one long chest with barres of yron

A number of domestic items of no great importance are named—

In the plumber house

In the great kytching and pantreys

In the pety canons hall

In the Slaughter house

In the Brewhouse

In the Kylne

For the Busshopp

In the towr In the kytching and larder

For the Dean

In the hall In the dyning chamber

In the buttry In the law (low) parlour

For the iiij Prebends

In Mr Sewell's chamber In Mr Scott's chamber

In Mr Tookye's chamber In Mr Key's chamber

Chapter Registers, vol. ii. p. 108, a, b.

CATHEDRAL INVENTORY, 1674.

AN Indenture or Inventory of ye goods ornaments and utensills belonging to the Cathedrall Church of Carlisle, February the first Anno Dom. 1674.

This Indenture made the first day of February in the twenty seventh yeare of the Rayne of our Sovrayne Lord Charles the Second now King of England Anno Dom. 1674 between Mr William Sill Prebendary of Carlisle and Treasurer of the Cathedrall Church there on the one part and Thomas Threlkeld Sub-sacrist of the Church aforesaid on the other part witnesseth that the said Mr William Sill hath delivered over these utensills goods and ornaments (belonging to the said Church) hereafter mentioned (to witt)

one large double gilt chalice and pattin
 one single gilt chalice and pattin
 one little silver bason
 one silver mace
 two pewther flagons
 one pewther bason
 two wrought and imbroidered Coapes
 three purple cloathes
 one altar cloath crimson damaske and purple
 two crimson damaske cushions
 two other cloath cushions for the altar
 two cushions sewed worke
 one green pulpit cushion
 eight new purple cushions
 one old imbroidered cushion
 one purple cloath for the Litany desk
 one green Altar cloath

twenty new green cushions
ten old green cushions
one linen Altar cloath
one linen napkin for the Altar
two hornes for the Altar
six new common prayer bookes
six more new prayer bookes (one of which covered
with shiffe)
two new common prayer bookes gilded
one new large Bible
one old large Bible
eight old common prayer bookes
seven prayer bookes in ye two formes
one coffin
one poor man's box
one new purple cushion
one new purple pulpit cushion
one new purple pulpitt cloath
four new long formes

In witness whereof the parties above named to the
seaverall parts of these Indentures have interchaingeably
putt their hands and seales the day and year above
written

Signed sealed and delivered

in the presence of us

John Smithson

James Nicholson

Thomas Threlkeld

sub-sacrist

L S

APPENDIX V.

CONTENTS OF THE CHESTS MENTIONED
IN STATUTE 34.

CONTENTS OF THE SMALL CHEST.

- 1 The Chapter Seal.
- 2 The Endowment Charter.
- 3 The Authoritative Copy of the Statutes.
- 4 The Register of Holm Cultram, MS., probably 14th Century.
- 5 The Register of Wetherhal, MS., probably 14th Century.
- 6 Rental of Wedyrhale, 1490, MS., parchment.

CONTENTS OF THE GREAT CHEST.

- 1 The Small Chest.
- 2 The Sealed Book of Common Prayer.
- 3 Bishop Nicolson's MSS., 4 volumes.
- 4 Bishop Nicolson's Miscellany, Accounts of the Diocese, MS.
- 5 Machel's MSS., 6 volumes.
- 6 Register of Wetherhal, Transcript known as A.
- 7 Register of Wetherhal, Transcript known as B.
- 8 Register of Lanercost, MS. Transcript of Lord Wm. Howard.
- 9 Register of Lanercost, Transcript with Index, J. E. P.

- 10 Todd, Notitia of Carlisle Cathedral, &c., MS.
- 11 Todd, Ancient Surveys and Rentals, &c., MS.
- 12 Todd, Historical Account of Carlisle, MS.
- 13 Richard Bell, History of the Borders, MS. *temp.*
Elizabeth.
- 14 Notitia or MS. Register of the Cathedral School.
- 15 Rental of Holm Cultram, 29 Henry VIII.
- 16 Ancient Copy, Valor (1539) Pories of Carlisle and
Wetherhal.
- 17 Facsimile Copy, Valor (Henry VIII) Priory and
Bishopric.
- 18 Copy of three Valors of the Diocese of Carlisle.
- 19 Copy of Statutes with "Recitall," 16th century.
- 20 Copy of Statutes made by Erasmus Head (died 1763).
- 21 Letters of 17th Century found in the Cathedral in
1882.
- 22 Note Book of Dean Tullie, "Things to be provided,
&c.," 1685.
- 23 Record of Judgment, Penrith Road, King *v.* Dean and
Chapter.
- 24 French MS., 13th Century, Lives of the Saints.
- 25 Bundles, (A) *Romaunt de la Rose*, fragment MS.
(B) Legacies of Bishop Thos. Smith, &c.;
(C) Foundation Charter, Dean Atterbury's
Copy.

APPENDIX VI.

PRECES IN ECCLESIA DICENDÆ.

(Compare the Notes on Statute 40.)

PRECES PRO REGE ET REGINA.

DEUS, in cujus manu sunt corda Regum, qui es humilium consolator, et fidelium fortitudo, et protector in te spectantium; da Regi nostro N. et Reginae nostræ N. populoque Christiano triumphum virtutis tuæ scienter excolere; ut per te semper reparentur ad veniam. Per Dominum.

Suscipe, quæsumus, Domine, preces et hostias Ecclesiæ tuæ, quas pro salute famuli tui Regis nostri et Reginae, et protectione fidelium populorum, tuæ majestati offerimus; supplicantes, ut antiqua brachii tui te operante miracula, superatis inimicis, secura tibi serviat Christianorum libertas. Per Dominum.

Præsta, quæsumus, omnipotens Deus, ut per hæc mysteria sancta quæ sumpsimus, Rex noster et Regina populusque Christianus semper rationabilia meditantes, quæ tibi placita sunt et dictis exsequantur et factis. Per Dominum.

Missale ad Usus Sarum.

Memoriæ Communes.

PRECES PRO ANIMABUS DEFUNCTORUM.

Deus, cui proprium est misereri semper et parcere, propitiare animæ famuli tui, et omnia peccata ejus dimitte, ut mortis vinculis absolutus, transire mereatur ad vitam. Per Dominum.

Intuere, quæsumus, omnipotens æterne Deus, et placatus suscipere dignare hoc sacrificium quod tibi offerimus pro anima famuli tui; et concede illi pacem perpetuam et requiem sempiternam. Per Dominum.

Prosit, quæsumus, Domine, animæ famuli tui divini celebratio sacramenti; ut ejus in quo speravit et credidit, æternum capiat, te miserante, consortium. Qui tecum.

Missale ad Usum Sarum.

Officium defunctorum.

PRECES MANE DICENDÆ AB OMNIBUS IN ECCLESIA
INTER SURGENDUM.

Libera nos, salva nos, justifica nos, O beata Trinitas.

Breviarium ad Usum Sarum.

In Festo Sanctæ Trinitatis.

Omnipotens sempiterne Deus, dirige actus nostros in beneplacito tuo, ut in nomine dilecti Filii tui mereamur bonis operibus abundare. Qui tecum vivit et regnat in unitate Spiritus Sancti Deus, Per omnia secula seculorum. Amen.

Preces ad Primam.

Psalmus (cxxx), De Profundis.

Ostende nobis Domine misericordiam tuam. Et salutare tuum da nobis.

Salvos fac servos tuos et ancillas tuas. Deus meus sperantes in te.

Mitte eis Domine auxilium de Sancto. Et de Syon tuere eos.

Esto eis Domine turris fortitudinis. A facie inimici.

Nihil proficiat inimicus in eos. Et filius iniquitatis non apponat nocere eis.

Domine exaudi orationem meam. Et clamor meus ad te veniat.

Preces ad Primam.

PRECES VESPERI AB OMNIBUS IN ECCLESIA DICENDÆ.

Hymnus.

Salvator mundi Domine,
Qui nos salvasti hodie :
In hac nocte nos protege
Et salva omni tempore.

Adesto nunc propitius,
Et parce supplicantibus :
Tu dele nostra crimina,
Tu tenebras illumina.

Ne mentem somnus opprimat,
Nec hostis nos surripiat :
Nec ullis caro, petimus,
Commaculetur sordibus.

Te, Reformator sensuum,
Votis precamur cordium :
Ut puri castis mentibus
Surgamus a cubilibus.

Deo Patri sit gloria,
Ejusque soli Filio :
Cum Spiritu Paraclito,
Et nunc, et in perpetuum. Amen.

Ad Completorium ij.

Psalmus (cxxx), De Profundis.

Deus tu conversus vivificabis nos. Et plebs tua lætabitur in te.

Ostende nobis Domine misericordiam tuam. Et salutare tuum da nobis.

Dignare Domine nocte ista. Sine peccato nos custodire.
Miserere nostri Domine. Miserere nostri.

Fiat misericordia tua Domine super nos. Quemadmodum speravimus in te.

Domine Deus virtutum converte nos. Et ostende faciem tuam et salvi erimus.

Domine exaudi orationem meam. Et clamor meus ad te veniat.

Preces ad Completorium.

PRECES IN SCHOLÂ MANE DICENDÆ.

Psalmus (xxi), Domine in virtute tuâ.

Kyrie eleeson, Christe eleeson, Kyrie eleeson.

Pater noster, &c.

Ostende nobis Domine misericordiam tuam. Et salutare tuum da nobis.

Salvum fac Regem Domine. Et exaudi nos in die qua invocaverimus te.

Nihil proficiat inimicus in eos. Et filius iniquitatis non apponat nocere eis.

Breviarium ad Usum Sarum.

Preces ad Primam et Preces FERIALES.

Quæsumus, omnipotens Deus, familiam tuam propitius respice, ut te largiente regatur in corpore, et te servante custodiatur in mente. Per Dominum.

Missale ad Usum Sarum.

Dominica in Passione Domini.

Actiones nostras, quæsumus, Domine, aspirando præveni et adjuvando prosequere : ut cuncta nostra operatio et a te semper incipiat, et per te cœpta finiatur. Per Christum Dominum nostrum. Amen.

Canon Missæ.

PRECES IN SCHOLÂ VESPERI DICENDÆ.

Psalmus (cxxxiv), Ecce nunc benedicite.

Kyrie eleeson, Christe eleeson, Kyrie eleeson.

Pater noster.

Exurge Domine adjuva nos. Et libera nos propter nomen tuum.

Domine Deus virtutum converte nos. Et ostende faciem tuam et salvi erimus.

Illumina, quæsumus, Domine Deus, tenebras nostras : et totius noctis insidias tu a nobis repelle propitius. Per Dominum.

Breviarium ad Usus Sarum.

Preces Completorii.

PRECES PAUPERUM.

Oratio Dominica.

Salutatio Angelica. S. Lucæ, i. 28.

Symbolum Apostolorum.

Dei Mandata.

Quæsumus, omnipotens Deus, &c. (vid. Preces in Scholâ mane dicendæ).

APPENDIX VII.

LIVINGS IN THE PATRONAGE OF THE
DEAN AND CHAPTER.

[See the Notes on pages 32, 56.]

	Value in 1903.
	£
* Addingham, Cumberland	331
Appleby, St Lawrence, Westmoreland	320
Bassenthwaite, Cumberland	165
Bewcastle (R), Cumberland	175
Camerton, Cumberland	297
Carlisle, Christ Church, Cumberland	220
„ Holy Trinity, Cumberland	265
„ St Cuthbert's, Cumberland	375
„ St Mary's, Cumberland	324
Castle Carrock (R), Cumberland	190
Castle Sowerby, Cumberland	290
Corbridge, Northumberland	270
* Cross-Canonby, Cumberland	274
Cumrew (R), Cumberland	148
Cumwhitton, Cumberland	260
Edenhall with Langwathby, Cumberland	223
Hayton, Cumberland	312

* Assigned to the Minor Canons in 1871 under the Act 3 & 4 Vict. cap. 113 § 47. For the conditions, see *Chapter Minutes*, vol. xv. pp. 206, 212.

Hesket in the Forest, Cumberland	...	...	...	311
Hutton in the Forest (R), Cumberland	...	...	...	147
Ireby, Cumberland	...	...	...	220
*Kirkland ¹ , Cumberland	...	...	...	180
Morland ² , Westmoreland	...	...	...	300
Roccliffe, Cumberland	...	...	...	250
*Rosley, Cumberland	...	...	...	285
*Sebergham (R), Cumberland	...	...	...	242
Thursby, Cumberland	...	...	...	242
Upperby, Cumberland	...	...	...	300
*Westward, Cumberland	...	...	...	265
Wetheral, Cumberland	...	...	...	261
Whittingham, Northumberland	...	...	...	428
Wreay, Cumberland	...	...	...	300

* Assigned to the Minor Canons in 1871 under the Act 3 & 4 Vict. cap. 113 § 47. For the conditions, see *Chapter Minutes*, vol. xv. pp. 206, 212.

¹ Has the patronage of Culgaith.

² Has the patronage of Thrimby.

INDEX TO THE STATUTES

The figures denote the numbers of the Statutes

- Absence, ministers' leave of, 23
- Accounts, to be kept, 34 ; to be shewn, 35
- Actions at law, 7
- Alms, to be properly dispensed, 37
- Almsmen, *see* Poor Men
- Attendance at Cathedral, of dean and canons and payment for, 16 ; of minor canons, 23, 33 ; of lay clerks, 23, 33 ; of subsacrist and virger, 25 ; of ministers and master of choristers, 33 ; of teacher in grammar, 33
- Audit, 35, 37
- Auditor, 32, 35
- Barber, 2 ; election and duties of, 29 ; to take oath, 29
- Bells, to be looked after by subsacrist, 25 ; to be rung by poor men, 28
- Benefices, collation to, 5, 7 ; visiting, 9 ; minor canons', 23
- Bishop, to preach when he wishes, 14 ; to have services of virger, 25 ; to celebrate, 33 ; to hear accusations, 36 ; to see if alms are dispensed, 37 ; to be visitor, 39 ; to be Interpreter of Statutes, 39
- Books, service, 25
- Bridges and Roads, 37
- Butler, 2 ; election and duties of, 29 ; to take oath, 29
- Canon, senior, mentioned, 3, 10, 17
- Canons, 1 ; four in number, 2 ; cannot vote when absent, 6 ; qualifications, election and admission of, 11 ; oaths by, 4, 12 ; residence of, 13 ; a third part always to reside, 13 ; when to preach, 14 ; to have separate household, 15 ; to be corrected for avarice and extravagance, 5, 15 ; how, if too poor to live separately, 15 ; stipend of, 16 ; payments for attendance, 16 ; fines for non-residence, 16 ; to receive share of dividend, 16 ; may admonish and reprove, 17 ; to keep their houses in repair, 20 ; to have stall, place in chapter, house, garden and stable, 20 ; not to let their houses on lease, 20 ; to attend and celebrate in turn on double feasts, 33
- Chalices, 25
- Chancellor, to visit, 39

- Chapter, definition of, 6 ; votes of absent members valueless, 6 ; consent of necessary, 7 ; in November Dean and Canons to be present, 17 ; precentor to report at, 24 ; to order, 30 ; notice of by Dean or Vice-Dean, 38 ; two general, 38
- Chapter House, 24, 38
- Chests, Common, 34
- Choristers, six in number, 2 ; qualifications and duties of, 26 ; master of, *see* Master ; to have commons, 30 ; and livery, 31 ; stipends, 32
- Clerk of lands, *see* Steward
- Clothing, *see* Liveries
- Collation to benefices, 5, 7
- Common Table, 15, 20, 29, 30 ; rank at, 30
- Commons, mentioned, 16 ; to be paid by Treasurer, 20, 30 ; money for, 30 ; to wives of lay clerks and sick, 30
- Cook, 2 ; selection and duties of, 29 ; selected by Dean, 29 ; to take oath, 29 ; livery, 31 ; stipend, 32
- Copyhold, 6
- Corpus Christi day, 14
- Court Rolls, 5, 34
- Daily distributions, 9, 13 [*bis*], 16, 20, 30
- Deacon, 2 ; quality and duties of, 21 ; oath by, 22 ; livery, 31 ; stipend, 32 ; to attend daily, 33
- Dean, mentioned, 1, 2 ; qualifications, admission and election, 3 ; oaths by, 4 ; duties of, 5 ; to rebuke delinquents, 5 ; to superintend the Divine Offices, 5 ; to be hospitable, 5 ; to guard the treasures, &c., 5 ; consent sometimes necessary when absent, 5 ; to visit the lands, 6 ; to give written account of repairs, &c., 6 ; cannot alone take legal proceedings, 7 ; goods to be delivered to, 8 ; residence of, 9 ; obedience to, 10 ; when to preach, 14 ; poor canon eats at his table, 15 ; stipend of, 16 ; payments for attendance, 16 ; fines for non-residence, 16 ; share of dividend, 16 ; to direct and admonish, 17 ; to keep house in repair, 20 ; house not to be let on lease, 20 ; to choose butler and porter, 29 ; to celebrate, 33 ; to correct light faults, 36
- Deanery, corpus of, 16
- Dividend, mentioned, 15, 16 ; how apportioned, 26 ; paid by treasurer, 20
- Divine Offices, *see* Offices, Divine
- Election of officers, 17
- Faults, correction of, 5, 36
- Fines, of dean and canons for non-residence, 16 ; how to be divided, 16 ; of minor canons for non-residence and non-attendance, 23 ; of master of choristers and lay clerks arbitrary, 23 ; how to be divided, 23
- Indentures, 8, 25, 35
- Inventory of goods, 8, 25, 34
- Keys of chests, 34
- Lands, visitation of, 6 ; letting of, 7 ; not to be alienated, 7
- Lay clerks, four in number, 2, 21 ;

- quality, election and admission, 21; oath by, 22; residence of, 23; fines for non-attendance determined by chapter, 23; causes of absence may be approved, 24; rank at table, 30; commons, 30; livery, 31; stipend, 32; duties and daily attendance, 33
- Leases, 5; terms of, 7
- Legal proceedings, 7
- Letters Patent, 3, 11, 34
- Liveries, of ministers, 31; of choristers and poor men, 31
- Living, *see* Benefices
- Manors, 6
- Mass, 23, 33; of the Holy Ghost, 33; prayers for King at, 40
- Master of choristers, 2; fines for non-attendance, 23; quality and duties of, 26; to be organist, 26; to take oath, 26; commons, 30; livery, 31; stipend, 32; daily attendance, 33
- Master of School, *see* Teacher
- Ministers, mentioned, 1; dwellings of, 20; oath by, 22; residence, 23; fines for non-attendance, 23; commons, 30; livery, 31; stipend, 32; term includes sub-sacrists, 31
- Minor Canons, eight in number, 2, 21; dwellings of, 21; quality, election and admission of, 21; to sing in Temple, 21; to take oath, 21; residence, 23; fines for non-attendance, 23; may hold one benefice, 23; cause of non-attendance may be approved, 24; commons, 30; livery, 31; stipends, 32; daily attendance, 33; may have other duties imposed, 33; *see* Ministers
- Monasteries, suppression of, 1
- Oath, of succession and of supremacy, 4; by dean, 4; by canons, 12; by ministers, 22
- Obedience, to dean, vice-dean, or senior canon, 10; at common table, 30
- Oblations, to be kept by sacrist, 25
- Obsequies, of King, 33
- Office-bearers, 17
- Offices, Divine, dean to see to, 5; absence from, 24; celebration of, 25, 33
- Orders, power of making, 38
- Organist, to be master of choristers, 26; duties of, 26; *see* master of choristers
- Ornaments, 5; inventory of, 8; care of, 25
- Paul's, St, London, 25, 33
- Poor men, six in number, 2; appointment and duties of, 28; to take oath, 28; livery of, 31; stipends of, 32; prayers of, 40
- Porter, also barber, 2; chosen by dean, 29; duties of, 29; to take oath, 29; livery of, 31; stipend of, 32
- Prayers, that are to be said, 40
- Prebend, corpus of, 9, 13, 16, 17
- Prebendaries, 16, 17
- Precentor, his office, 24; to note and present all absences, 16, 24; to take oath, 24; to find a substitute, 24; to sit first at common table, 30; stipend of, 32
- Procession, 23, 33
- Receiver, to visit lands, 6; election of, 17; office of, 19; to

- take oath, 19 ; stipend of, 32 ;
to render account, 35
- Residence, of dean, 9, 16 ; of
canons, 13, 16 ; of ministers, 23
- Rose, red, on gowns, 31
- Sacrist, election and duties of, 25 ;
to receive oblations, 25 ; to find
a substitute, 25 ; to visit the
sick, 25 ; to take oath, 25 ;
stipend of, 32
- Sacristy, 20
- School, *see* Teacher ; prayers in,
40
- Seal, common, 15, 16, 34
- Sermons, 14, 33
- Service, Divine, *see* Offices
- Statutes, copy to be kept, 34 ;
bishop to watch observance of,
39 ; the crown, not the bishop,
may change, 39
- Steward, as clerk of lands, to visit,
6 ; stipend of, 32 ; monthly, 29,
30 ; annual, of common table, 30
- Stipends, of dean and canons,
16 ; to be paid quarterly by
treasurer, 16, 20, 32 ; of mini-
sters, 32
- Sub-Cook, 2 ; livery of, 31 ; sti-
pend of, 32
- Sub-Deacon, 2 ; quality and duties
of, 21 ; oath by, 22 ; commons,
30 ; livery of, 31 ; stipend of,
32 ; to attend daily, 33
- Sub-Sacrists, two in number, 2 ;
duties of, 25 ; to find substitute
and take oath, 25 ; poor men to
assist, 28 ; livery of, 31 ; stipend
of, 32
- Table, Common, *see* Common
Table
- Teacher in Grammar, 2 ; election
and duties of, 27 ; to take oath,
27 ; commons, 30 ; livery of,
31 ; stipend of, 32 ; to attend
on feast days, 33 ; where to sit
in choir, 33
- Temple, 20, 21, 25, 33
- Terms, defined, 16
- Treasurer, to pay stipends, 16 ;
election of, 17 ; office of, 20 ;
has charge of sacristy, 20 ; to
take oath, 20 ; to render account,
35
- Treasury, 5, 34, 35
- Vestments, 16, 25, 33
- Vice-Dean, 3 ; with chapter may
present to benefice, 7 ; in ab-
sence of dean to direct, 10, 17 ;
election of, 17 ; office of, 18 ; to
take oath, 18 ; stipend of, 32 ;
to have key of chest, 34 ; may
correct light faults, 28, 36
- Virger, 2 ; election and duties of,
25 ; to find substitute and to
take oath, 25 ; livery of, 31 ;
stipend of, 32
- Visitation of Church, by Bishop,
39 ; officers may be put on oath
at, 39 ; Bishop to be enter-
tained, 39
- Visitation of lands, 6

INDEX TO THE INTRODUCTION AND NOTES

The figures denote the numbers of the pages

- Abbey Street, house in, 16
 Abbot's stall, 3
 Acts in reign of Anne, 1, 11, 14, 101; Henry VIII, 3, 4, 21, 22, 28, 30; Mary, 5; Philip and Mary, 6; Victoria, 15, 23, 24, 26, 35, 37, 39, 45, 46, 50, 56, 117
 Addingham, farm at, 64
 Advowson, right of, 32
 Albans, St, bishopric founded, 104
 Allerthwaite manor, 29
 Ambulatory, 51
 Anne, Queen, 1, 9, 11; power during her life, 14; act of, in full, 101
 Appleby, organ given to, 63
 Athelwold, bishop, 3
 Atterbury, Dean, comes to Carlisle, 6; controversy with Bishop and Chapter, 7 *sq.*, 28, 99
 Ave Maria, 90
 Barnes, Richard, Bishop, 41, 53, 85
 Barnwell Priory, observances at, 2
 Becket, Thomas, service of, 59
 Bedesmen of St Nicholas, 65
 Bells, cathedral, 61; rung since 1745, 61
 Benefice, dispute as to appointment, 7, 12, 28; claim of minor canons to, 56, 117; of Dean and Chapter, 32, 117
 Best, John, bishop of Carlisle, 23
 Birettas in choir, 59
 Bishop, grant of canonries to, 36; interpreter of statutes, 87
 Blackstone, quoted, 84
 Blakeloke, John, has lease of Wetheral demesne, 31
 Bolton, dean, claims veto, 12, 28
 Books, of Priory, 59
 Botchardgate manor, 29
 Brandeling, Richard, canon, 23
 Bristol, bishopric founded, 104
 Burn, chancellor, on majority in a chapter, 13; on prebend, 36
 Butler, 66
 Buttery, 66
 By-laws, *see* Orders
 Caldbeck, terrier of, 60
 Caldcotes manor, 29
 Canon, representative on commission, 14; to take oath of allegiance, 37; residence of, 39; may exchange house, 50; may mortgage to build, 50; may insure under Act, 50
 Canon, Jeremy Nelson, 12; Arthur Savage, 12, 51; William Sill, 12; William Florens, 23, 59; Richard Brandeling, 23; Edward Loshe, 23; Barnabas Kirkbride, 23; Gregory Scott,

- 31, 42; Thomas Canon, 37; Hugh Sewell, 42, 59; Thomas Tooke, 42; Arthur Key, 42; John Fletcher, 50; Frederic Tunstall, 50; William Jackson, 51; William Paley, 51; Thomas Tully, 51; *see* Todd, Hugh
- Canonries, granted to Bishop, 36; not with cure of souls, 37
- Canons, of St Augustine, 2; regular, 2; secular, 2; honorary, 23, 46; of the Priory, 23; name and office of, 23; a third part of, 40; residentiary, 45; houses of, 50; statutes of, 51; when to celebrate, 76
- Canons ecclesiastical, No. 44, 39; No. 25, 44; No. 24, 44
- Canterbury, Archbp of, his letter, 11
- Capella, John de, 29; manor of, 29
- Carleton, Guy, dean, 12, 25
- Carlisle, Bishop of, first, 3; William Nicolson, 7, 9, 10, 63, 86; Edward Rainbow, 27, 33, 58, 86; Richard Barnes, 41, 53, 85; Thomas Smith, 60, 63, 64; Richard Sterne, 86; Richard Osbaldiston, 86
- Carlisle Cathedral, statutes of, 1, 5; conventual, 2; founded, 3, 21; charters of, 3, 4, 7, 8, 12, 32, 65, 79, 93; statutes delivered, 5, 21; dispute as to statutes, 7, 12, 28; Eccles. Commissioners' scheme for, 16; benefices of, 32, 117; extra-parochial, 34; visitation of, 9, 27, 33, 40, 41, 53, 58, 85; letter on repairs, 48; ruined buildings, 49; restored, 58; vestments, 44, 58; books, 59; plate, 59; bells, 61; organs, 63; school, 64
- Carlisle corporation, 53, 59, 79
- Carlisle, Christ Church living, 32; Holy Trinity living, 32; St Cuthbert's, 53, 59, 63; St Mary's, 59, 85
- Carlisle Priory, founded, 2; surrendered, 3, 21; canons of, 23
- Castle Sowerby living, 8
- Cathedral commission, of 1852, 2, 39, 103; of 1880, 14
- Cathedrals, conventual, 1, 37; of the new foundation, 1, 37, 103; of the old foundation, 1, 103; statutes of, 2, 10, 11; objects of, 22; classification of, 103
- Cecil, Sir William, 23
- Celebration, by dean and canons, 76
- Chalices, 59
- Chantry of St Catharine, 29
- Chapter, power of majority, 13, 30; quorum, 30; casting vote, 31; principal, 84; not held in 1745, 84
- Chapter house, 83 and *see* Fraternity
- Charles I, 6; letter from, 48
- Charles II, 6, 11
- Charter, of endowment, 3, 4, 32, 65, described 79; of foundation, 3, 4, 7, 8, 22, described 79, in full 93
- Chest, of chapter, 8, 79, 80; contents of, 110
- Chest, keys of, *see* Keys
- Chester cathedral, schoolmaster, 77
- Choristers, at tables of canons, 70
- Clerical Subscription Act, 26, 37
- Clifford, Richard, bishop of London, 75
- Collect, for purity, 44; for 5th Sunday in Lent, 90; first after Communion Service, 90; for aid against perils, 90

- Comber, Thomas, dean, 48
 Commissioners, Ecclesiastical, 15, 16, 29, 46, 49, 58, 64; cathedral of 1852, 2, 39, 103; cathedral of 1880, 14; of Edward VI, 33, 59, 61; of Elizabeth, 52, 53
 Common hall, *see* Fraternity
 Commons, 73
 Communion plate, 59
 Copes, 44, 58
 Corbridge manor, 29
 Corporation, Carlisle, 53, 59, 79
 Corpus of prebend, 35; of deanery, 43
 Corpus Christi, festival of, 41, 42
 Cox, Richard, archdeacon, 91
 Cromwell, Thomas, Lord, 24, 59
 Crosscanonby manor, 29
 Crypt, *see* Fraternity
 Day, George, bishop, 91
 Deacon, duties of, 52
 Dean, powers of, 7, 9, 12, 28; name and office, 23; qualifications, 24; to take oath of allegiance, 26; no casting vote, 31; legal residence of, 35; benefice by, 35; house of, 49; may mortgage to build, 50; may insure under Act, 50; garden of, 51; when to celebrate, 76
 Dean, Robert Bolton, 12, 28; Guy Carleton, 12, 25; Lancelot Salkeld, 23, 31; Sir Thomas Smith, 23, 24, 31, 42; Sir John Wolley, 24; Sir Chris. Perkins, 24; Thomas Comber, 48; Thomas Tullie, 58; Thomas Smith, 60, 63; William George Henderson, 55, 62, 77
 Dean and Chapter, founded, 3; patronage of, 15, 32, 117; scheme of property, 16; power as to alterations and ornaments, 34
 Demise to farm, 27, 31
 Dismissal, power of, 81
 Dissolution of monasteries, *see* Monasteries
 Dormitory, 50, 51
 Doubles, *see* Feasts
 Eagle, brazen, 27
 Ecclesiastical Commissioners, 15, 16, 29, 46, 49, 58, 64
 Edward VI, 23; his commissioners, 33, 59, 61; injunctions of, 55
 Elizabeth, Queen, 6, 23; her commissioners, 52, 83
 Ellerton manor, 29
 Epistler, 44, 53, 58
 Fabric fund, 16
 Farm let, to, 27, 31
 Feasts, doubles &c., 76
 Fee, 27
 Fief, 27
 Fletcher, John, canon, 50
 Florens, William, canon, 23; chief chanter, 59
 Fraternity, 51; porch removed, 58; the common hall or refectory, 67; account of, 67, 83; name derived, 68
 Gloucester, dispute as to Statutes, 12, 28
 Gondibour, Thomas, 68, 79
 Goodwin, Harvey, Bishop, visits Cathedral, 86
 Gospeller, 44, 53, 58
 Grindal, Archbp, 23; injunctions of, 59
 Harley, Robert, Earl of Oxford, 7
 Harsnett, Archbp, visits Cathedral, 86

- Hay, William, schoolmaster, 64
 Heath, Nicholas, Bishop, 91
 Henderby manor, 29
 Henderson, W. G., dean, quoted, 55, 62, 77
 Henry I, founds Carlisle Priory, 2
 Henry VIII, founds Cathedrals, 1, 4; delivers statutes, 5; acted with Parliament, 14; obsequies of, 77
 Hexham, organ at, 63
 Honorary canons, 23, 46
 Hospital of St Nicholas, 29, 65
 Hours, canonical, 55, 74
 House, of dean, 49
 Houses, of ministers, 49; of canons, 49, 50, 51; exchanged, 50
 Hymn, Pange lingua, 41; Salva-
 tor mundi, 89, 114
 Indentures, meaning of, 5; of
 leases, 32
 Injunctions of Edward VI, 55
 Interpreter of statutes, 87
 Inventory of goods, 33; of 1571,
 50, 63, 80, in full 106; of Ed-
 ward VI in 1552, 58; of 1666,
 59; of 1674, 59, in full 108
 Isaacby manor, 29
 Jackson, William, canon, 51
 James I, 6
 Katharine, St, chantry of, 29
 Key, Arthur, canon, 42
 Keys of chest, 8
 Kirkbride, Barnabas, canon, 23
 Kyrie eleeson, 44
 Leases, 28; abuse by chapter, 31;
 oldest recorded, 31
 Leases, Act on, 28
 Lectern, 27
 Lecturer, Divinity, 42, 53
 Legend, book called a, 59
 Letters Close, 24
 Letters Patent, 24, 79
 Liverpool bishopric, founded,
 105
 Livings, *see* Benefices
 Livingston *v.* Dean and Chapter,
 81
 Lorton manor, 29
 Loshe, Edward, canon, 23
 Majority, rights of, 28
 Mandevil, Robert, schoolmaster,
 64
 Manor Rolls, 29
 Manors, belonging to the chapter,
 29
 Mary, Queen, 5, 6, 23
 Mass, greater, 55; of the Holy
 Ghost, 75; votive, 75
 Matins, character of Office, 75
 Ministers, stipends and commons,
 73
 Minor canons, misbehaving, 7;
 house of, 49; present number
 and stipend, 52; claim to bene-
 fices, 56, 117; stipends, 73; ac-
 cused of papism, 85
 Minute Books, early, 64
 Monasteries suppressed, 3, 21
 Morland manor, 29
 Mydleton, Lawrence, registrar, 61
 Neile, Archbp, visits cathedral, 86
 Nelson, Jeremy, canon, 12
 Newbiggin, manor, 29
 Newbiggin in Allerdale, manor,
 29
 Newcastle, bishopric founded, 105
 Newcastle on Tyne, church of St
 Nicholas, 31
 Newlathes, manor, 29

- Nicholas, St, Hospital of, bedesmen, 65
- Nicolson, William, Bishop, controversy with Atterbury and Todd, 7; visits cathedral, 9, 86; his letters, 10; his "case," 10; sermon by, 63
- Oath of allegiance, 26, 37
- Obsequies, of Henry VIII, 77
- Officers, power of dismissal, 81
- Offices, Divine, 52, 55, defined 74, 75, 77
- Orbel, William, schoolmaster, 61, 64
- Order in Council, *see* Privy Council
- Orders, power of making, 84
- Organ, cathedral, 63
- Organist, 63
- Ornaments, defined, 60
- Osbaldiston, Bishop, visits cathedral, 86
- Paley, archdeacon, his house, 51
- Parliamentary survey, 49, 50, 67
- Patronage, of benefices, 15, 16, 32; of Dean and Chapter, 117; assigned to minor canons, 56, 117
- Paul's, St, London, 49, 75
- Piers the Plowman, quoted, 68
- Poor Men, last crown patent, 65
- Prayers, for the King, 88, in full 112
- Preachers, cycles of, 41
- Prebend, defined, 35; corpus of, 35
- Prebendaries, in old and new foundation, 45
- Prebendary, defined, 35
- Precentor, elected annually, 84
- Prior Hall, manor, 29
- Priories, of two kinds, 3
- Privy Council, 15; order of, 16
- Procession, 55, 62
- Proxy, dean's, illegal, 8
- Psalter, Sarum, 55
- Rainbow, Edward, Bishop, visits cathedral, 27, 33, 58, 86; articles of inquiry, 33
- Rebels in 1745, 12, 61
- Refectory, *see* Fraternity
- Register of Bishop Appleby, quoted, 55
- Registers, early, 64
- Rental of 1685, 58
- Richardson, H., vicar of St Cuthbert's, 12
- Robson, Thos., schoolmaster, 64
- Rose, red, of Tudor, 72
- Rosley, living, 32
- Sacrist, elected annually, 84
- Sacristy, *see* Vestry
- Salkeld, Lancelot, prior and dean, 23, 31
- Savage, Arthur, canon, 12, 51
- School, cathedral, 64; grammar, 77
- Schoolmaster, William Orbel, 61, 64; William Hay, 64; Robert Mandevil, 64; Thomas Johnston, 64; Thomas Robson, 64; cannot claim stall, 77
- Scott, Gregory, canon, complains of leases, 31; proctor, 42
- Seal, of chapter, 8; fee of, 43; description of, 79
- Sebergham, manor, 29
- Senhouse, prior, his tomb, 32
- Service, Divine, *see* Offices, Divine
- Services, nocturnal, 75
- Sewell, Hugh, canon, 42, 59
- Shakespeare, quoted, 66
- Sharpe, Archbp, visits cathedral, 86

- Sill, William, canon, 12
 Skeat, Prof., quoted, 68
 Smith, Sir Thomas, dean, 23, 24, 31, 42
 Smith, Thomas, dean and Bishop, gift of plate, 60; gift of organ, 63; gift to school, 64
 Southwell bishopric, founded, 105
 Spoon, sold with chalice, 60
 Stables, of canons, 51
 Stall, of honorary canon, 23; not of schoolmaster, 77
 Statutes, of Carlisle, 1; power to make, 4; delivered, 5, 21, 91; of some other Cathedrals, 6, 40, 78; of new foundation impugned, 10; confirmed, 11; Dean Waugh's MS copy of, 10; dispute at Carlisle, 7, 12; dispute at Gloucester, 12, 28; authoritative copy of Carlisle, 12; power to change, 13; commission of 1880 on, 14; legislation on, 17; ancient copy with "Recitall," 53; interpreter of, 89; commissioners to deliver, 91
 Sterne, Bishop, visits cathedral, 86
 Steward, elected annually, 84
 Stipends, of ministers, 73
 Street, G. E., architect, 68
 Subdeacon, duties of, 52
 Suppression of monasteries, *see* Monasteries
 Surrender of Priory, 3, 21
 Temple, meaning of, 53
 Thompson, John, minor canon, 45
 Threlkyld, Edward, archdeacon, 42
 Thurstin, Archbp of York, 2
 Tithe rent-charge, 16
 Todd, Hugh, canon, acts with dean Atterbury, 7, 9; excommunicated, 10; his "case," 10; quoted, 67
 Tookye, Thomas, canon, 42
 Truro, bishopric founded, 104
 Tullie, Thomas, dean, 58
 Tully, Thomas, canon, 51
 Tunstall, Frederic, canon, 50
 Tyndal, William, quoted, 68
 Upperby, living, 32
 Use of Sarum, in cathedral, 75, 76
 Utensils, 27
 Vestments, for the choir, 44; of Priory, 58
 Vestry, 58
 Veto, right of, 8, 12, 28
 Virger, in the procession, 62
 Visitation, by Bp Nicolson, 9, 86; by Bp Rainbow, 27, 33, 58, 86; by Bp Barnes, 41, 53, 85; in 1753, 40, 86; several accounts of, 85
 Wakefield, bishopric, founded, 105
 Warwick, living, 32
 Waugh, dean, his MS copy of Statutes, 10
 Westcott, Bishop, quoted as to Services, 77
 Westward, living, 32
 Wetheral, Priory, 3, 4; manor, 29; lease of demesne, 31; living, 32
 Wharton, Sir Thomas, 59
 Whittingdale, Chris., vicar of Castle Sowerby, 8
 Willis, Browne, *Cathedrals*, quoted, 58, 67
 Wrea, living, 32

